

FEDERAL BUREAU OF INVESTIGATION
FOI/PA
DELETED PAGE INFORMATION SHEET
FOI/PA# 1202154-0

Total Deleted Page(s) = 5

Page 95 ~ Duplicate;

Page 101 ~ Duplicate;

Page 158 ~ Duplicate - Dupe to Serial 1012, pages 126-128;

Page 159 ~ Duplicate - Dupe to Serial 1012, pages 126-128;

Page 160 ~ Duplicate - Dupe to Serial 1012, pages 126-128;

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X Deleted Page(s) X
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UNITED STATES GOVERNMENT

Memorandum

TO : SAC, MINNEAPOLIS (70-6882) (P)

DATE: 2/13/74

FROM : SUPERVISOR [REDACTED]

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b7C

SUBJECT: RUSSELL CHARLES MEANS;
DENNIS JAMES BANKS;
CIR - BURGLARY, ETC.

WOUNDED KNEE
ST. PAUL LEADERSHIP TRIALS

On 2/12/74, trial of above subjects commenced in USDC, St. Paul, Minnesota, with USA WILLIAM F. CLAYTON and AUSA RICHARD D. HURD presenting opening statements on behalf of the U. S. Government. RUSSELL MEANS and DENNIS BANKS were allowed to present opening statements on thier own behalf.

During the course of the BANKS' statement, USA CLAYTON stood up and objected because comments made by BANKS were not relevant and obviously would not be presented in court as proof. In other words, BANKS was making an emotional speech and plea to the jury, diverting from the outline and definition of what is allowable in an opening statement.

After CLAYTON's objection, Defense Attorney MARK LANE rose and informed the court that the comments made by BANKS concerning AIM activities, Scottsbluff, Nebraska, were relevant because they were bringing out background information that led to Wounded Knee.

LANE was instructed by Judge FRED NICHOL to be silent and he continued to talk and was ordered to be removed from the courtroom by U. S. Marshals. At that point, WILLIAM KUNTSLER rose and attempted to address the court, was told to remain silent and seated, which he did not do, and he, too, was physically ejected from the courtroom.

While LANE and KUNTSLER were being ejected, Defense Attorney [REDACTED] rose and requested that he be allowed to approach the bench and he too was ejected from the courtroom.

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Minneapolis
wkb



SEARCHED	INDEXED
SERIALIZED	FILED
FEB 13 1974	
FBI - MINNEAPOLIS	

70-6882-952

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

BANKS made a comment, "Don't push them around," and the Judge pointed to him and said, "Do you want to be thrown out too?"

At this point, the Judge called a recess and during the recess he met with defense attorneys and during this meeting they claimed they were not objecting to the manner in which he was running the court, but were objecting to CLAYTON's standing up in open court and making a comment about BANKS' presentation. It should be noted that earlier an agreement was reached at the bench by all attorneys that in the event objections were to be made concerning opening statements, attorneys on either side would stand and request permission to approach the bench. They then, without the jury hearing their comments, would present their comments to the Judge for his decision.

The defense claims that they were objecting to CLAYTON's error in voicing his objection in front of the jury.

Comments from apparently neutral members of the press and courtroom spectators indicated that this exchange between the Judge and defense attorneys could be extremely damaging to the Government's image. These sources state it appeared to them to be very oppressive and heavyhanded treatment by the Judge of the defense attorneys. This act could possibly strongly influence the jury's sympathies in favor of the defendants who are using as the main thrust of their defense the alleged oppression by the Federal Government.

FEDERAL BUREAU OF INVESTIGATION

1*

Date of transcription February 6, 1974

Members of the Wounded Knee Legal Defense Offense Committee (WKLDOC) viewed evidence obtained during and subsequent to the occupation of Wounded Knee, South Dakota, from February 27, 1973, to May 8, 1973. This viewing took place at the Minneapolis Office of the FBI pursuant to a discovery order issued by the U. S. District Court.

The evidence pertaining to the case involving [redacted] [redacted] was requested to be shown to [redacted] KEN ENKEL, 1214 Title Insurance Building, Minneapolis, Minnesota, telephone number 332-1417. [redacted] UCCO Building, Minneapolis, Minnesota, [redacted]

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Special Agent [redacted] advised these individuals that the physical evidence in this matter covered under Bulky Exhibits control file 70-6832-1B64F had been shipped to Rapid City, South Dakota, to be reviewed by attorneys at that location. ENKEL [redacted] were supplied an inventory list of the evidence.

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Interviewed on 1/26/74 at Minneapolis, Minnesota File # MP 70-6832

by SA [redacted] :jrp Date dictated 1/31/74

b6
b7c

70-6832-953

FEDERAL BUREAU OF INVESTIGATION

1*

Date of transcription February 6, 1974

Members of the Wounded Knee Legal Defense Offense Committee (WKLDOC) viewed evidence obtained during and subsequent to the occupation of Wounded Knee, South Dakota, from February 27, 1973, to May 8, 1973. This viewing took place at the Minneapolis Office of the FBI pursuant to a discovery order issued by the U. S. District Court.

Evidence regarding the case against DAVID ROSS WILLIAMS was requested to be viewed by [redacted] South Dakota, [redacted]

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Special Agent [redacted] displayed the evidence in this matter covered by Bulky Exhibits control file 70-7103-1B1 and 1B2. These items were viewed and photographed by Mr. [redacted]

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Interviewed on 1/26/74 at Minneapolis, Minnesota File # 157 70-6832

by SA [redacted] :jrp Date dictated 1/31/74

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This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

70-6882-954

FEDERAL BUREAU OF INVESTIGATION

Date of transcription December 21, 1973

The following below-listed items of documentary evidence were turned over to the Rogers Company Metro Square Building, St. Paul, Minnesota, for Xeroxing as requested by [redacted] Wounded Knee Legal Defense/Offense Committee in letter to H. D. MURD, Assistant United States Attorney, Sioux Falls, South Dakota, dated December 12, 1973. Copies of the following items were requested by attorneys for the Wounded Knee Defense/Offense League at a discovery conference conducted by representatives of the Wounded Knee Legal Defense/Offense Committee in Rapid City, South Dakota, on November 10, 1973.

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- 70-7158-1E3 3 sheets lined paper
- 70-6832-1B83 Implementation Agreement (3 pages)
WILSON's Goon Squad (1 page)
- 89-143-1B2 1 Notebook approximately 3" x 8"
- 70-6832-1B39 1 Pocket size notebook
- 70-6832-1B136 Press release dated February 16, 1973 (2 pages)
Complaint for a Declaratory Judgement
and Mandatory Injunction (14 pages)
Packet for Applicants and the 1973 Help
Communities Help Themselves Program (26 pages)
Newsletter of the Region 5 Drug Education
Resources Center (8 pages)
The North American Indian: A Selected
Biography (31 pages)
American Indian Directory (6 pages)
Small piece of paper "Dearborn Hts Board of
Education
The Indian in Michigan (10 pages)
State of Michigan House Resolution No. 250
Business card [redacted]
Numbers Games Anyone!
6" x 8" white sheet of unlined paper with name
[redacted] (2 pages)

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Interviewed on December 21, 1973 St. Paul, Minnesota File # MP 70-6832-Sub L

by [redacted] /mjf Date dictated December 21, 1973

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70-1082-955

MP 70-6832-Sub L

Commission on Indian Affairs (3 pages)
 Exhibit 66-9
 Conference on the Problems of Michigan Indians
 Schedule of Classes - Spring Semester - 1973 (14 pages)
 Nishnawbe News
 Press Release for Rapid City, South Dakota, dated
 16 February 1973, 2 copies (3 pages)
 8" x 10" white paper with drawing and "Michigan"
 Booklet "Let Art Shine On" (12 pages)
 Booklet "Region 5" (4 pages)
 8" x 10" white paper entitled "Canadian
 Indian Youth Workshop Financial Statement"
 Pamphlet entitled "The Sixth Annual Canadian Indian
 Youth Workshop" (9 pages)
 Pamphlet entitled "CICSB" (6 pages)
 8" x 10" white paper containing Xerox copy of
 press release "Letter to Editor Message for
 Indians"
 Pamphlet with Xerox copy of 3" x 5" business card
 of [redacted] on 1st page (18 pages)
 Pamphlet entitled, "Dear Fellow Native American
 95 pages)
 Pamphlet entitled "Report on Indian Legislature"
 (8 pages)
 Yellow Orange folder entitled "The Indians in
 Michigan" (3 pages)
 Family Bible "Fireside Family Addition"
 (First 3 pages with writing for Xeroxing)
 1 Black billfold containing identification
 of [redacted] and misc. papers
 and photos (50 items total in billfold)
 4" x 6" yellow lined paper "Pine Ridge Reservation"
 3" x 4" green unlined paper "Rondec TTN Tablet"
 on one side and note to [redacted] on back (2 pages)
 8" x 12" yellow lined paper entitled "Squad I"
 "Squad II"
 Envelope addressed to [redacted] containing
 two letters dated 1/28/73 and Feb 6/73 (5 pages)
 Envelope addressed to Miss [redacted] from
 The American Indian Arts Center, 1042 Madison Avenue
 New York containing letter dated January 27, 1973
 and check no. 3435 from American Indian Arts Center
 dated January 25, 1973 (4 pages)

70-6832-1B106

70-6832-1B64F

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MP 70-6832-Sub L

70-6832-1B32 Lined paper 8" x 10" heading "Wounded Knee Survivors"

70-6832-1B147 3" x 3" piece lined paper "House Belongs to OSCAR HOLLOW HORN"

70-6832-1B39 Letter from Department of Army - re: Transfer French Tickler Advertisement (4 pages)
Adult Film ad (1 page)
Paperback book ad (10 pages)
2 6" x 8" Sox Catalog ads
This Week at McAlester (2 pages)
Department of Army Envelope - manilla

70-6832-1B63 AIM membership card for [redacted] red in color

70-6832-1B55 Inventory of [redacted] (2 pages)

70-6832-1B90 Book entitled "Daily 1973"
50 pages of inscription to be copies
Oelala Nation Dual citizenship for
[redacted]

70-6832-1B48 Agenda for AIM meeting 2/19/73
1 page 8" x 14"

70-6832-1B39 Photo of Indian male
(2943)

70-6832-1B49
1B49A Miscellaneous papers numbered 1 through 21

70-6832-1B39 2 sheets lined paper
1 - Tribal Government
2 - Addressee

70-6832-1B85 One red address book - 39 pages with writing and containing 8 pieces miscellaneous papers numbered 1 - 8
One black address book - 35 pages with writing and 17 miscellaneous papers 1 - 17

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MP 70-6832-Sub L

- 70-6832-1B174 Miscellaneous papers numbered 1 through 7
by RFC 12/20/73
- 70-6832-1B103 Diary of [REDACTED]
9 pages with writing
- 70-6832-1B121 34 pieces miscellaneous papers and photographs
126 numbered 1 through 34
- 70-6832-1B3 One red and black "Record Book" containing
30 pages with writing. Also, 19 pieces
miscellaneous papers numbered 1 through 19
- 70-6832-1B21 1 sheet lined paper bearing
inventory evidence seized from
[REDACTED]
- 70-6832-1B124 1 sheet lined paper signed [REDACTED]
- 70-6832-1B162 Black notebook belonging to [REDACTED]
containing 32 pages writing and 32 miscellaneous
papers inside
- 70-6832-1B125 8" x 14" piece of paper bearing
"General House Rules"
- 70-6832-1B128 1 Sony cassette recording in envelope
AIM membership card for [REDACTED]
1 personal directory - 15 written pages
1 steno pad - 101 written pages
Miscellaneous paper numbered 1 through 25
- 70-6832-1B151 Flowered address book with 22 written
pages and 6 miscellaneous papers 1 through 6
- 70-6832-1B132 Notebook entitled "Pure Gold" with 2 pages of
writing and 7 pieces miscellaneous papers numbered
1 through 7
- 70-6832-1B188 Miscellaneous papers numbered 1 through 37
1 memo book (red) 3 pages with writing
1 brown pad with 23 written pages

5

MP 70-6832-Sub L

70-6832-1B57 Contents black billfold of [redacted]
27 pieces including one \$1 bill
contents white billfold belonging to
[redacted] 19 pieces miscellaneous paper

70-6832-1B118 19 pieces of miscellaneous papers numbered
1 through 19

70-6868-1B2 2 manilla envelopes
1. containing memo to Sioux nation
2. 56 signed statements that signee states not a
member of law enforcement

70-6868-1B2 Y.I.E. Journal with 4 written pages

70-6832-1B73 Montgomery Ward Voucher

70-6868-1B2 13 pieces of miscellaneous papers
1 manilla envelope no. 14

70-6832-1B134 Contents of Brown billfold
14 pieces miscellaneous papers

70-6868-1B2 Assorted printed matter
numbered from 1 through 7

70-6832-1B37 1 black note pad 10 pages
of writing and 1 postcard
1 address book with 8 written pages

70-6832-1B82 Exhibit envelope containing 15 blank
checks stamped "Sioux, Inc."

70-6832-1B119 AIM newspaper

70-6832-1B154 Invitation to "Indian Get-Together"

70-6832-1B119 Billfold contents - 10 pieces of miscellaneous
paper numbered 1 through 10
1 - 1" x 6" piece of paper
1 - 8" x 12" piece of paper

70-6832-1B180 Memo book/brown with (11) eleven written pages

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MP 70-6832-Sub L

1 Billfold -- brown in color
17 pieces of miscellaneous paper contents

70-6832-1B39 1" x 5" piece of paper
3" x 8" piece of paper
1 copy letter written on yellow paper
1 payment envelope 3" x 7"

70-6832-1B64F 8" x 12" yellow line sheet of paper containing
several names
Torn piece of yellow lined paper with initial
"DP" 2-28-73 containing information on ammo.
Brown paper bag with name

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70-6832-1B64F Miscellaneous papers and letters from Black Attache
case -- items are numbered 1 through 45 and
initialed "RFC" and dated 12/29/73. Each item
may contain more than one page

70-6832-1B117 Miscellaneous papers and letters numbered 1 through 20
Folder containing miscellaneous papers numbered 1
through 14. Each item which is numbered may have
more than one page for Xeroxing

70-6832-1B39 Miscellaneous papers and letters numbered 1 through 19
Blue vinyl case containing items numbered 1 through 42

70-6868-1B2 Miscellaneous papers and letters numbered 1 through 20

70-6868-1B2 Miscellaneous papers and letters from Black attache
case, items numbered 1 through 11

70-6868-1B2 Miscellaneous papers and letters numbered 1 through
36 from Black attache case #13

70-6832-1B88 Contents of brown billfold/33 pieces of
miscellaneous paper and 66¢ in currency

70-6832-1B99 2 copies of the Wounded Knee Message
1 copy signature of
1 AIM membership card for
1 Bill of sale for shotgun on plain paper
2 pieces lined paper

MP 70-6832-Sub L

7

A receipt from b6
Rogers Company, St. Paul, Minnesota, was obtained for the above-list b7c
items.

(Mount Clipping in Space Below)

Trial testimony may begin by next Tuesday

ST. PAUL, Minn. (AP) — Testimony in the trial of American Indian Movement leaders Dennis Banks and Russell Means will probably begin next Tuesday, U.S. District Court Judge Fred J. Nichol said Monday.

Nichol said it appears selection of alternates for the jury will continue through Tuesday and court will recess Wednesday through Friday. The recess will allow Means to return to the Pine Ridge reservation in South Dakota where he is a candidate for president of the Oglala Sioux Tribe in Thursday's election.

Banks, 41, and Means, 34, are charged in a 10-count felony indictment that includes charges of assault on federal officers, large-scale burglary.

(Indicate page, name of newspaper, city and state.)

Page 3,

Rapid City

JOURNAL

Rapid City,
South Dakota

Date: Feb. 4, 1974
Edition: FINAL
Author:
Editor: JAMES M. KUEHA
Title:

Character:

or

Classification:

Submitting Office:

☐ Being Investigated

70-6882-956

SEARCHED INDEXED
SERIALIZED FILED

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F B I

Date: 2/8/74

Transmit the following in PLAINTEXT
(Type in plaintext or code)Via TELETYPE NITEL
(Priority)

TO: DIRECTOR, FBI ATTN: INTELLIGENCE DIVISION
 FROM: SAC, MINNEAPOLIS (157-NEW)

DEMONSTRATION IN SUPPORT OF NATIONAL AIM LEADERS ON TRIAL,
 ST. PAUL, MINNESOTA, FEBRUARY 12, 1974, CIVIL UNREST.

ON FEBRUARY 7, 1974, A SOURCE WHO HAS FURNISHED RELIABLE
 INFORMATION IN THE PAST ADVISED THAT ON THAT DATE SEVERAL
 INDIVIDUALS, BELIEVED TO BE MEMBERS OF AIM, WERE PASSING OUT
 FLYERS ON THE MAIN CAMPUS OF THE UNIVERSITY OF MINNESOTA,
 MINNEAPOLIS, MINNESOTA. THESE FLYERS ADVERTISE A DEMONSTRATION
 AND RALLY TO BE HELD AT THE FEDERAL COURTHOUSE, ST. PAUL,
 MINNESOTA, 10:30 A.M., FEBRUARY 12, 1974. THIS RALLY IS TO BE
 IN SUPPORT OF DENNIS BANKS AND RUSSELL MEANS, NATIONAL LEADERS
 OF AIM WHO CURRENTLY ARE ON TRIAL IN U. S. DISTRICT COURT,
 ST. PAUL, MINNESOTA, ON CHARGES BY THE FEDERAL GOVERNMENT
 RELATING TO THEIR ACTIVITIES IN CONNECTION WITH THE OCCUPATION
 OF WOUNDED KNEE, PINE RIDGE INDIAN RESERVATION, SOUTH DAKOTA,
 FEBRUARY 27 - MAY 8, 1973.

1 - USA, Minneapolis
 1 - Secret Service, Minneapolis
 1 - MI Group, Ft. Snelling, Minn.

RMW:wkcb

(6)

① - Minneapolis (157-NEW)
 ① - 157-3371 (AIM LEADERS TRIAL)
 ① - 70-6864 (DENNIS BANKS)
 ① - 70-6882 (RUSSELL MEANS)

Approved: _____

Sent _____

M

Per _____

Special Agent in Charge

F B I

Date:

Transmit the following in _____
(Type in plaintext or code)

Via _____
(Priority)

MP 157-NEW

PAGE TWO

THE AMERICAN INDIAN MOVEMENT (AIM) WAS FOUNDED IN MINNESOTA IN 1968, DEDICATED TO IMPROVING CONDITIONS FOR THE AMERICAN INDIAN. AIM RECENTLY LED AND PARTICIPATED IN CONFRONTATIONS WITH LOCAL AUTHORITIES IN SCOTTSBLUFF, NEBRASKA, AND THE RAPID CITY - CUSTER AREA OF SOUTH DAKOTA. AIM LED THE TAKEOVER AND OCCUPATION OF WOUNDED KNEE, SOUTH DAKOTA, IN FEBRUARY-MAY, 1973.

THE FOLLOWING LISTED AGENCIES WILL RECEIVE COPIES OF THIS COMMUNICATION. USA, MINNEAPOLIS, SECRET SERVICE, MINNEAPOLIS, MI GROUP, FORT SNELLING.

THE FOLLOWING AGENCIES HAVE BEEN ORALLY ADVISED OF THE ABOVE. USM, MINNEAPOLIS WHO WILL ALSO ADVISE THE PRESIDING JUDGE AND AUSAS IN CONNECTION WITH AIM LEADERS' TRIAL, ST. PAUL, MINN. ST. PAUL POLICE DEPT, GSA, ST. PAUL, MINN.

F B I

Date:

Transmit the following in _____
(Type in plaintext or code)

Via _____
(Priority)

MP 157--NEW

PAGE THREE

ADMINISTRATIVE:

SOURCE IS [REDACTED]

b7D

MINNEAPOLIS WILL FOLLOW AND KEEP THE BUREAU AND APPROPRIATE
AUTHORITIES INFORMED. NO LHM TO FOLLOW.

ADDENDUM:

THE FOLLOWING INDIVIDUALS WERE ADVISED ON 2/7-8/74:

U. S. Marshal, Minneapolis (Deputy Chief USM JAMES REDPATH,
who will also advised Judge FRED NICHOL and USAs prosecuting
BANKS-MEANS, U. S. District Court, St. Paul, Minnesota)

M.I. Group, Minneapolis (Mr. [REDACTED])

Minneapolis PD (Capt. [REDACTED])

St. Paul PD (Capt. [REDACTED])

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Approved: _____
Special Agent in Charge

Sent _____ M Per _____

U.S. Government Printing Office: 1972 - 455-574

UNITED STATES GOVERNMENT

Memorandum

TO : SAC, MINNEAPOLIS (70-6882) (P)

DATE: 2/11/74

FROM : SA [REDACTED]

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b7C

SUBJECT: FBI LEADS

Re memo of AUSA [REDACTED] to SA JOHN E. MC CARTY, dated 8/24/73, and memo of SA [REDACTED] dated 10/31/73.

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On 11/20/73, SALLY HATT was contacted at her residence, #184 Eastridge Housing, Pine Ridge, South Dakota. Mrs. HATT advised that she was afraid of what might happen to her and her family if she cooperated with the FBI in their investigation of the occupation of Wounded Knee, South Dakota. She related that she is 73 years old and that [REDACTED] and resides in the downtown section of Pine Ridge. Mrs. HATT related that she would have to contact an attorney of the Legal Defense/Offense Committee before talking to interviewing agents.

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On 12/20/73, 1/3/74, and 1/16/74, Mrs. HATT related that she had not contacted an attorney and did not know where [REDACTED] was living.

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LEAD

MINNEAPOLIS

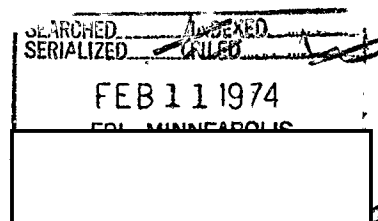
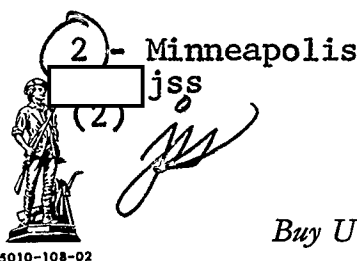
AT PINE RIDGE, SOUTH DAKOTA

Will continue contact with SALLY HATT, in an attempt to interview her as set forth by USA memo.

ADDENDUM

Reassign this lead to SA [REDACTED] Rapid City.

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Bury My Heart at a Southside Motel

THE ATLANTA
Journal and
Constitution

Constitution MAGAZINE
FEBRUARY 10, 1974

COPIES TO :

70-6864
70-6882
157-1460
157-846

Page 1-

ATLANTA JOURNAL
+ CONSTITUTION
ATLANTA,
GA.

DATE: 2/10/74
EDITION: SUNDAY
AUTHOR: HENRY WOOD-
EDITOR: HEAD
TITLE:

CHARACTER:
OR
CLASSIFICATION:
OFFICE:

157-1458-A-

SEARCHED	INDEXED
SERIALIZED	FILED
FBI - MINNEAPOLIS	

70-6882-959

By Henry Woodhead

LEVI Walker Jr. did not fit in. He wandered through the motel ballroom for a while on the periphery of all the conversations, with no one to talk to, his hands jammed into the pockets of his navy blue windbreaker. Walker is an American Indian, a Chippewa, and as such, he had plenty of company on this particular day at the Ramada Inn in southside Atlanta. But while he was among them, he was not of them. To the more militant of the Indians who with their guests occupied the entire sixth floor of the motel, Levi Walker Jr., who is the mascot for the Atlanta Braves baseball team and whose working name is Chief Noc-A-Homa, was persona non grata. He was worse than that. In their eyes, he was the red man's version of Stepin Fetchit, an unfunny clown who danced for the white man outside a fake teepee near the left field foul pole at Atlanta Stadium. For no more than this, Russell Means three years ago sued the Cleveland major league team.

"The Cleveland Indians had this character they called Chief Wahoo, yeah, that's right, Wahoo," Means said, fairly spitting at the utterance of the name. "I sued them for \$9 million to stop it, to try to point out the inherent racism of that caricature. The next year they didn't have Chief Wahoo on their letterheads anymore. And you wouldn't believe the racist letters I received when I invaded the sanctity of American sports."

Russell Means, 34, is an Oglala Sioux from the Pine Ridge Reservation in South Dakota. He wears his coal black hair in two braids which are wrapped in rawhide. He has a nasty scar running on the ridge of his left eyebrow, which makes him seem angrier than he really is, which is very angry. When he talks he has a habit of twisting his mouth and sniffing hard, pug-style, as if to indicate his disdain for the subject at hand. He went on trial last month in St. Paul, Minn., for alleged offenses arising from the takeover last spring of Wounded Knee, a village on his home reservation.

Means and Dennis Banks, a Chippewa, were in the vanguard of the militants who kept the U. S. government out of Wounded Knee for 71 days, and they are the first of some 100 Indians who will be tried in federal court for their participation in the occupation of the village.

During the trial, the militant Indians will contend that it was the U.S. government, and not the Indians, who were trespassing at Wounded Knee. They will offer evidence to show that the government has through history consistently violated all its treaties with the Indians, leaving them destitute under the heavy thumb of the Bureau of Indian Affairs.

In order to defray the cost of what promises to be a very lengthy and expensive trial, Banks and Means came to Atlanta recently to hold a "legal seminar" and to stage a 12-hour concert at the Omni to benefit their organization, the American Indian

Movement: Around them for several days was a retinue of attorneys, Indian musicians, entertainers, volunteer workers, and those who explained their presence simply by saying that they were "into" Indians.

Sacheen Little Feather was there, waiting in the lobby, having just arrived from the Coast. Miss Little Feather gained a measure of fame by refusing on behalf of Marion Brando to accept his Oscar at the Academy Awards to protest the poor film image of the American Indian. She went on to a nude spread in Playboy. "I came to decorate the living room," she said, smiling. "No, actually I'm just waiting here for an Indian to carry my bag."

MISS Little Feather was being a bit flip, but among some of the white people associated with AIM on this occasion there was an attitude of devout self-deprecation, as if the time for atonement had arrived. Troy Donahue, the actor, was almost contrite as he described his recent conversion to the cause of Indian rights. Donahue, according to Dennis Banks, "had once been part of the problem, and now he is trying to be part of the solution."

Donahue laid on a solidarity handshake—forearms up, hands gripping in the Indian wrestling position—and commenced to confess: "In 1965 I did a motion picture called 'A Distant Trumpet,' and it was one of those cavalry versus the Indian things. There were 500 Navaho they had gotten off

the reservation to work in the picture. The going rate for an extra was \$23 a day. But they paid the Indians \$3.12 a day.

"We were filming out on the desert, so every night the cast and crew—other than the Indians—were taken home in limos or luxury buses. The Indians were left to make their own home on the desert. For their supper, they had the left-over lunch provided by the white man. They were expected to be there in the morning when the crew arrived, and they always were," Donahue said. "It's taken me nine years to realize I haven't done anything to help the American Indian."

"Now maybe I can learn and set an example—if I can learn—for other white men."

For his willingness to learn, Donahue, it was announced that day, had been appointed AIM representative to the movie industry "for the establishment of positive image values for all Indians through such media."

The marquee of the Ramada Inn said WELCOME AIM, and inside the motel resembled the Gallup, N.M., bus station on a Friday night: Indians were everywhere. On the sixth floor, sequestered with lawyers and planning legal strategy for the upcoming trial. Lounging in the lobby. On the phones lining up acts for the benefit concert. Striding purposefully through the halls, looking for someone who was looking for someone.

The Indians wore wide leather belts with big buckles and tunics draped with ribbon, beaded chokers and blue jeans and bright printed shirts. Many favored heavy

Indian rings, and on a table outside the ballroom was authentic Indian-made silver and turquoise jewelry, which was not selling well because it was very expensive.

On the sixth floor, a beefy, black security guard sat peering at the elevator to weed out those who had not been given "sixth-floor clearance," and he rose quickly when a disoriented radio reporter emerged, looking desperately up and down the hall for Troy Donahue. Joe Saddle Blanket okayed the reporter and summoned Donahue. Joe Saddle Blanket was "running security."

"Troy! Keinal!" Saddle Blanket shouted down the hall. "That means come here," he explained. "I'm trying to teach Troy how to talk Indian." Troy came immediately.

SADDLE Blanket, 37, half-Kota and half-white, is the Southern Coordinator for AIM. He and John Gidley, 25, an Assinboine Sioux, together run the regional headquarters of AIM on Juniper Street in Atlanta. Gidley was promoting the benefit concert, his first.

"When this concert comes off, we're going to have a lot of sycamores in this area, saying, 'We're sorry, we'll help,'" Saddle Blanket (Continued on Page 3)

Joe Saddle Blanket was running security

(Continued From Page 7)

said. "We're depending on the honesty of the non-Indians."

"Sycamore" is an Indian word meaning "friend of the Indian," Saddle Blanket said, and included in that category were people like Donahue, Burt Reynolds, and the other entertainers and musicians who had agreed to appear for nothing. Not included in that category was Cher Bono.

"Sonny and Cher, with that half-breed song, are making millions off the Indians, but when you ask her to do a concert it turns out she's Fench or something," Saddle Blanket muttered.

"And as soon as it was fashionable," said Gidley, whose tribal name is War Pony, "she became an Indian."

Also not numbered among sycamores was an Atlanta radio call-in show host who, according to Saddle Blanket, gets on that radio and talks about Indians raping and

plundering and pilfering. I'd invite that jerk to any kind of confrontation he can choose. He's nothing but a red-necked, sword-rattling, babbling-mouthed fool."

JOE Saddle Blanket had a new tomahawk. It looked like an ordinary hatchet for chopping wood for the campfire, but its appearance was deceiving, Saddle Blanket indicated. Its brand name was Norland.

"The Norland is a real good balanced little tomahawk, about the best balanced tomahawk in the world," Saddle Blanket said, balancing the hatchet on his right hand index finger. A lapel pin on Saddle Blanket's shirt testified to his claim that he won a major tomahawk-throwing competition. He is also something of a whiz in the martial arts, he said.

"Well, I've got some security to run," Saddle Blanket continued. Security for the

visiting Indians has been fairly tight since their first day at the motel, when a man walked through the lobby armed with no less than a shotgun, a rifle and a pistol.

ALTHOUGH it was not determined whether the man had a grudge with the Indians or was seeking his wife's lover or exactly what, the weapons were confiscated, and security tightened up, War Pony related.

While a rock group called Flood was tuning up in the ballroom for a press party ("We've played for free for Bangladesh, the Jewish immigrants, the Boy's Home, you name it," said their road manager), Russell Means sipped a beer in the Ramada Inn bar and explained why AIM chose Atlanta for the marathon benefit concert. It had to do with money.

"When we were inside Wounded Knee, everybody was ripping us off in the name of the American Indian. Indian charities were springing up left and right in L. A. and New York City, and they raised between \$200,000 and

(Continued on Page 17)

Indians (Continued From Page 13)

\$500,000. We never saw the money. They were all phony. And because of these phonies a lot of the money markets got pumped dry, and it really hurt us.

"During the first couple of weeks at Wounded Knee, when all the attention was focused on us, 19 Indian boutiques sprang up in New York City, and 13 Indian boutiques sprang up in the hip section of Philly. I've been to New York," Means said with disgust. "It's just a bunch of damn cocktail parties and brunches..."

While the South, and more particularly Atlanta, has not been stylishly Indian-conscious, it has been quietly magnanimous toward the Indian Movement, Means indicated. "This is my fourth trip to Atlanta, and I've gotten a good response every time."

(Earlier, Dennis Banks had said that people in the Southeast had provided "tremendous support," not only during Wounded Knee occupation, but before, sending donations of food and clothing and providing technical and financial assistance. And too, AIM had come to Georgia because of a historically significant event, Banks said. "The Trail of Tears began right here in your state after President Jackson refused to abide by Supreme Court order and forced the Cherokee and Creeks to march to Oklahoma, at a cost of 10,000 lives.")

At any rate, here they were, expecting to cram the Omni with sycamores willing to part with at least \$4.50 per person for 12 hours of music and the sight of Burt Reynolds and Yoko Ono and Sacheen Little Feather. And that night, John War Pony, the neophyte promoter, was already dreaming of staging the

most significant concert ever, right smack in the middle of Wounded Knee, the seat of Indian liberation.

But first, there were the press conference and the legal symposium, featuring Means and Banks and the AIM lawyers, including Mark Lane, who wrote a book promoting the conspiracy theory of President Kennedy's assassination, and William Kunstler, who defended the Chicago Seven.

The U.S. government, through its Bureau of Indian Affairs, has virtually controlled the lives of American Indians for the past 100 years, denying the native American those freedoms that the founding fathers wrote into the Constitution: the freedom of speech, travel and worship, Banks said. The B.I.A., therefore, is a colonial government especially for the Indians.

WHILE some tribes have been able to hang onto their lands and retain their rich cultures, others have experienced a dispossession of natural resources and the devastation of spirit, he continued. The U.S. government, through the past two centuries, has signed more than 400 treaties with the American Indians, and it has broken every one of them. It has engaged in a "machinery of lies."

Mark Lane, the lawyer, put it even stronger. What has come to be known as "The Winning of the West," he said, was in fact the practice of genocide against the Indians. "Our nation was founded on genocide."

The white man, said Russell Means, has made an unholy mess of a land that the Indians treated with gentleness and respect. The Indian did not have the problems of welfare lines, and

energy crisis and pollution because their religion told them that they were no better than "any living thing." But the white man defiled the land, and hence he is called by the Indians a name meaning "he who steals the fat."

"AIM is saying no, Uncle Sam. Uh uh. And all the rest of you. You're not going to walk through our country," Means said at one point.

MEANS and Banks make a study in contrasting styles. Inside Means a lot of sharp juices have been stewing, and he does not hesitate to let those he considers the oppressors know about it. Some in AIM have recognized this for its questionable public relations value, and on occasion they wince at Means' more vitriolic pronouncements.

"Stay away from Russell Means, would you?" one AIM member asked a journalist. "He's liable to make some asinine statement. I love Russell Means, but he might just get up and say something like 'I hate all white people.'"

"If we could get a muzzle that looks like an Indian mouth, I hope we can put it on Means for the duration of the trial," this AIM member said.

Banks, a handsome, sad-faced man, on the other hand, speaks quietly and deliberately and slowly, and is not given to flammable rhetoric.

He is likely to say something on this order: "We're going to rely on our attorneys to bring about the most significant change in relations between the American Indian and the American government in modern times..."

And Russell Means is likely to say: "They tell me that the father of my country is George Washington. Well no father of my country had wooden teeth and wore bloomers and a wig and high heel shoes."

Or: "We don't want all our land back. You can have Cleveland and Los Angeles and Chicago."

Or: "There is a beautiful example of racism right here in your own Atlanta Stadium. Chief Noc-A-Homa. That's an insult! Calling him a chief, which is a high honor."

Chief Noc-A-Homa did not hear this remark, but later, when he showed up at the party thrown by the Indians,

and wandered alone in the crowd, he seemed bewildered when confronted with the knowledge that he was not exactly held in the highest esteem by the American Indian Movement.

"I'd like to know who's say-

(Continued From Page 17)

her services to the Indians: "I know I can't change the world, but if I could start just one little chain reaction, if I can help just a little bit..." said. "In 1972 I spoke to 230,000 people, at schools and civic clubs; 1973 is not yet determined. I want to present to them that an Indian can be educated and can compete in this society now where 100 years ago he couldn't. There are lots of things I'm for in the Indian movement, but I have my personal feelings as well."

Wherever he goes, the Chief said, he shows a movie, a B.B.C. documentary called "The Pride and the Shame," which focuses on the dismal living conditions at the Rosebud Sioux reservation. "This movie is the way I really feel. Whenever I show it, the people want to know what they can do for the Indian. I tell them to just be aware of the Indian problems. I can't send your millions of dollars..."

"This is the first chance I've had to be close to AIM. Their goals are the same as mine. We're just traveling on different paths."

IN the bar of the Ramada Inn, a silver haired Atlanta matron joins her 22-year-old daughter for a cocktail. The daughter is a volunteer for AIM and the mother has dropped by to size up the Indians. Hoisting her glass of rose, the mother says, "Well here's to the American Indian Movement. But I didn't see one single Indian out there directing that awful traffic. It must be all chiefs and no Indians around here." And everyone at the table wears a strained smile.

The daughter explains her motivation for volunteering

her services to the Indians: "I know I can't change the world, but if I could start just one little chain reaction, if I can help just a little bit..." said. "In 1972 I spoke to 230,000 people, at schools and civic clubs; 1973 is not yet determined. I want to present to them that an Indian can be educated and can compete in this society now where 100 years ago he couldn't. There are lots of things I'm for in the Indian movement, but I have my personal feelings as well."

The sound system gave recurring problems, but there was no one there to hear it. In a cavernous coliseum designed to seat 15,000 people, the Indians had garnered about 300. They were scattered about like an afterthought to emptiness, and they made not the slightest dent in \$30,000.

Burt Reynolds, somewhere in Florida, had decided not to come after all. Yoko Ono, on the West Coast, said she would have been glad to come but her band had balked, and what could she do without her band? And the most exclusive act of all had been nipped in the bud by the Omni insurance regulations. Bob Ward, the Omni said, could positively not attempt to jump his motorcycle over over an Indian rock group while they were playing on the Omni stage.

Tempers were wearing thin, faces were long. Gidley, after one by one the big names canceled out, asked plaintively: "Does anybody have a spare bullet?" He meant for shooting himself.

dressing room, being interviewed by a intense young man who was dressed as a lumberjack. Miss Little Feather agreed that between the whites and the Indians, a bridge of understanding must be constructed.

"You have to build a bridge, because if you don't you'll fall into the ravine and break your neck," she said.

Donahue suddenly burst into the dressing room and announced angrily: "If I hear anybody say that the Omni is ripping us off, he's going to have to answer to me, and I'll know who said it."

Everyone else stared at Donahue, and Sacheen Little Feather said, "Well, I sure won't say it."

LATER Donahue, as the ranking personality, addressed the itchy scattering of spectators. He spoke in a low, reverent voice and he said, in part, "There aren't many people here. But the people who are here I guess are here because they want to be here, and that in itself is a beautiful thing..."

As he left the stage, he heard coming plainly from the upper tier of seats a series of derisive Indian-style yips. The intent of these yips was unmistakable, and Donahue whirled around and planted his feet and narrowed his eyes and stared hard at the perpetrators. He seemed on the verge of leaping the retaining wall, swarming into the seats and doing battle, like a hockey player. The yips continued and he stood there helplessly, staring at the faceless people who mocked the proceedings and broke the solemnity. There was no question about it. They were not trying to learn.



Russell Means: "We don't want all our land back. You can have Cleveland and Los Angeles. . . ."



Troy Donahue, at the rostrum, expressed a desire to learn



Dennis Banks: "The B.I.A. is a colonial government."

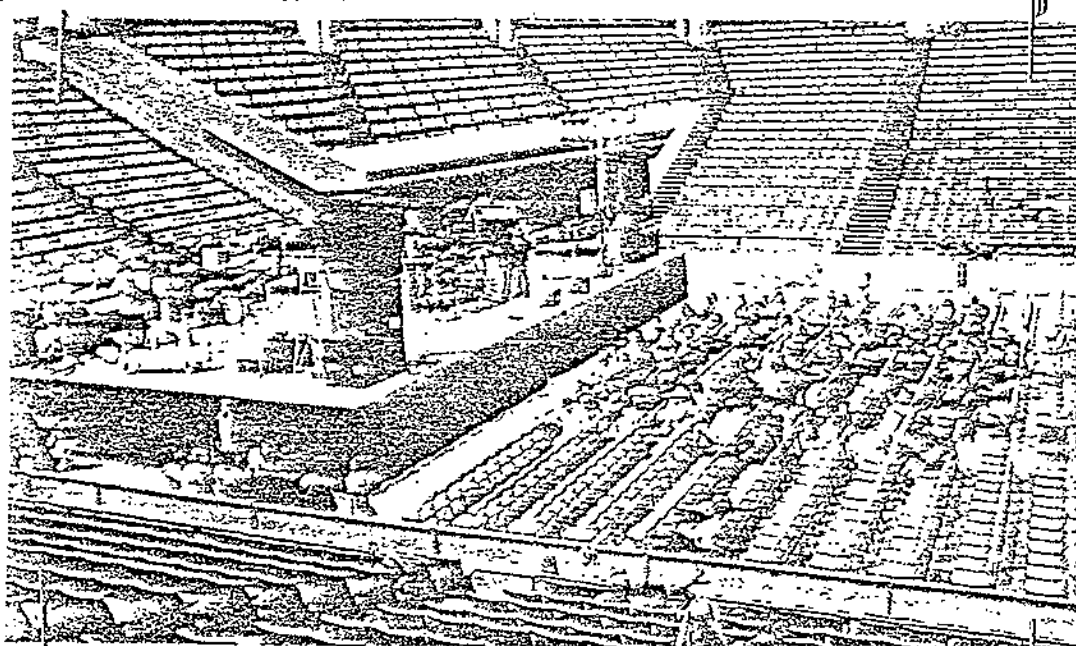


William Kunstler, right, discusses trial strategy



Sacheen Little Feather said she came to Atlanta to "decorate the living room."

Photography by Steve Deal



At the Omni, it was not a good day for sycamores. The Indians wore long faces.

UNITED STATES GOVERNMENT

Memorandum

TO : SAC, MINNEAPOLIS (70-8448)(P)

DATE: 2/7/74

FROM : SA DONALD G. WILEY

SUBJECT: PINE RIDGE ELECTION
PINE RIDGE RESERVATION
OGLALA SIOUX TRIBE
PINE RIDGE, SOUTH DAKOTA

On 2/5/74 [REDACTED]

Judicial, Prevention and Enforcement Service, Pine Ridge, South Dakota advised that if RUSSELL MEANS is elected Tribal President of the Pine Ridge Indian Reservation, MEANS will abolish the office of President and will establish the Traditional Tribal Chief as head of the Reservation. [REDACTED] stated that MEANS' supporters have indicated that MEANS will ignore the present Tribal Constitution concerning the President being convicted of a Felony, while in office, which is automatic removal from office.

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[REDACTED] advised that supporter of MEANS indicate that MEANS will pick up all the votes of [REDACTED] and MARIO GONZALEZ.

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[REDACTED] advised that [REDACTED] is running for Tribal Councilman and has indicated in speeches, etc. that he supports AIM and RUSSELL MEANS. [REDACTED] advised that [REDACTED] who is his, [REDACTED] at present time. In addition, [REDACTED] advised that he recently released [REDACTED] Pine Ridge Police Department, because she admitted she was an AIM member.

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[REDACTED] went on to say that he questions the [REDACTED] Reservation Superintendent, [REDACTED] of Rosebud, S.D., who is a known AIM member and supporter of Rosebud and [REDACTED] Reservation Superintendent as his [REDACTED]

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1 - 70-6832 Sub 0

1 - 157-1458

1 - 70-8448

1 - 157-3461

1 - 70-6882

1 - 157-1460

DGW:dgw

(6)



70-6882-960
SEARCHED INDEXED
SERIALIZED FILED

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[redacted] stated that [redacted]
Pine Ridge [redacted]
[redacted]

to the Reservation Superintendent.

As a result of the above two hirings, by the
~~Fxxk~~ Reservation Superintendent, he has some question
as to the loyalty of the Superintendent ALBERT TRIMBLE.

[redacted] stated that although he has no facts concerning
or supporting his observations, he feels that the
present Reservation Superintendent is sympathetic to
AIM.

[redacted] recently learned that HOBART KEITH,
former tribal judge, is currently circulating a
petition around the Pine Ridge Reservation. to have
him. [redacted]
[redacted]

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SAC, MINNEAPOLIS (70-6864) (P)

2/12/74

SA []

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DENNIS JAMES BAKES;
CIB - BURGLARY;
ET AL.

Re Minneapolis teletype to WFO, dated 1/16/74,
captioned as above, and telephone conversation between
SA [] Minneapolis Division, and SA []
[] WFO, instant date.

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Per referenced communication, leads were set forth
for WFO to determine the appropriate personnel to subpoena
regarding registration of Molotov cocktails.

On instant date, a review of Minneapolis files
was negative in determining the results of WFO's investi-
gation in this matter.

Per referenced conversation on instant date, it
was determined that WFO had forwarded to Minneapolis Division
a teletype dated 1/17/74, captioned as above, disclosing the
fact that SA [] of the Technical Services
Division, Alcohol, Tobacco and Firearms Headquarters,
Washington, D.C., was the individual who would answer a
subpoena in regard to registration of Molotov cocktails.

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SA [] WFO, advised that there was no indica-
tion in their files that appropriate FD-302's had been
forwarded to Minneapolis Division concerning this matter,
and that appropriate FD-302's and a copy of teletype sent to
Minneapolis on 1/17/74, would be forwarded to Minneapolis
as soon as possible.

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3 - Minneapolis (70-6864)
(1 - 70-6832-Sub P)
(1 - 70-6832) (RUSSELL LEANS)

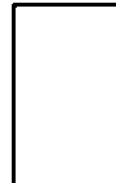
[] wkb

[]



10-1-74 961

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F B I

Date: 2/12/74

Transmit the following in CODED
(Type in plaintext or code)Via TELETYPE NITEL
(Priority)

TO: DIRECTOR, FBI ATTN: INTELLIGENCE DIVISION
FROM: SAC, MINNEAPOLIS (157-3626) (P)

DEMONSTRATION IN SUPPORT OF NATIONAL AIM LEADERS ON TRIAL,
ST. PAUL, MINNESOTA, FEBRUARY 12, 1974, CIVIL UNREST.

TODAY, AT APPROXIMATELY 9:00 A.M., 25-30 CHIEFS, HEADSMEN,
AND TRADITIONAL INDIANS WHO HAVE TRAVELED FROM PINE RIDGE,
SOUTH DAKOTA INDIAN RESERVATION, APPEARED AT THE MAIN ENTRANCE
OF THE FEDERAL COURTHOUSE, ST. PAUL, MINNESOTA, WHERE THEY WERE
PHOTOGRAPHED BY MEDIA PHOTOGRAPHERS AND NEWSREEL CAMERAMEN.
AT 9:30 A.M., THESE INDIVIDUALS WERE THEN ADMITTED TO THE
COURTROOM, USDC, WHERE THE TRIAL OF NATIONAL AIM LEADERS
DENNIS JAMES BANKS AND RUSSELL CHARLES MEANS IS IN PROGRESS.

AT 10:00 A.M., 40-50 OTHER INDIVIDUALS, MAINLY NON-INDIAN,
ARRIVED AT THE MAIN ENTRANCE OF THE COURTHOUSE AND BEGAN A
CIRCULAR MARCH IN FRONT OF THE BUILDING, MANY CARRYING
PLACARDS WITH STATEMENTS SUCH AS, "TRY NIXON, NOT BANKS AND
MEANS," AND "FREE BANKS AND MEANS." THE DEMONSTRATORS DISPERSED
AT 10:30 A.M.. THE DEMONSTRATION WAS PEACEFUL.

4 - Minneapolis (157-3626)

1 - USA, Minneapolis

(1 - 157-3371) (AIM LEADERS' TRIAL)

1 - Secret Service, Minneapolis

(1 - 70-6864) (DENNIS BANKS)

1 - MI Group, Ft. Snelling

Approved: (1 - 70-6882) (RUSSELL MEANS)

RHW:wkb (7)

wkb Special Agent in Charge 70-6882-962

U.S. Government Printing Office: 1972 - 455-574

F B I

Date:

Transmit the following in _____
(Type in plaintext or code)Via _____
(Priority)

MP 157-3626

PAGE TWO

THE AMERICAN INDIAN MOVEMENT (AIM) WAS FOUNDED IN MINNESOTA IN 1968, DEDICATED TO IMPROVING CONDITIONS FOR THE AMERICAN INDIAN. AIM RECENTLY LED AND PARTICIPATED IN CONFRONTATIONS WITH LOCAL AUTHORITIES IN SCOTTSBLUFF, NEBRASKA, AND THE RAPID CITY - CUSTER AREA OF SOUTH DAKOTA. AIM LED THE TAKEOVER AND OCCUPATION OF WOUNDED KNEE, SOUTH DAKOTA, IN FEBRUARY - MAY, 1973.

THE FOLLOWING LISTED AGENCIES WILL RECEIVE COPIES OF THIS COMMUNICATION. USA, MINNEAPOLIS, SECRET SERVICE, MINNEAPOLIS, MI GROUP, FORT SNELLING.

Approved: _____

Special Agent in Charge

Sent _____ M Per _____

F B I

Date:

Transmit the following in _____
(Type in plaintext or code)

Via _____
(Priority)

MP 157-3626

PAGE THREE

ADMINISTRATIVE:

REFERENCE MINNEAPOLIS NITEL TO BUREAU, FEBRUARY 8, 1974.

NO LHM BEING SUBMITTED.

Approved: _____
Special Agent in Charge

Sent _____ M Per _____

FEDERAL BUREAU OF INVESTIGATION

Date of transcription February 13, 1974

[redacted] Nebraska, furnished the following information:

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[redacted] First Church of God, [redacted] Nebraska, and he resides at [redacted] Nebraska.

[redacted] advised that during the last part of February, 1973, he thinks the date was around February 27, he received information to the effect that a large number of Indians had seized the community of Wounded Knee, South Dakota, and that these Indians would allow no one to enter or exit that community. He said he had no direct interest in what was happening at Wounded Knee but became concerned when he remembered that the [redacted] [redacted] at Wounded Knee. He said he went to the police station at [redacted] Nebraska, in hopes of hearing some information concerning Mr. and Mrs. [redacted]. He stated that sometime later Mr. and Mrs. [redacted] Nebraska and told him that they had escaped from Wounded Knee.

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[redacted] advised that sometime around May 8 or May 9, 1973, he went with Mr. and Mrs. [redacted] to their home at Wounded Knee for the purpose of determining the extent of damage sustained as a result of the occupation. He said that the [redacted] [redacted] a vehicle belonging to [redacted] had been burned, the Teepe Church had suffered extensive interior damage, and a large number of other buildings and property had been destroyed or burned as a result of the occupation.

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[redacted] advised that he took well over one hundred photographs of buildings at Wounded Knee, South Dakota, in their destroyed condition and had many of these photographs made into transparent slides for future presentation to various Church groups. [redacted] allowed Special Agent [redacted] and Special Agent [redacted] to view the aforementioned slides.

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[redacted] advised that it was apparent to him that the Indians who were occupying the buildings caused the destruction of those buildings since he noticed and photographed American Indian Movement "graffiti" on the walls of the Teepe Church at Wounded Knee.

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b7C

Interviewed on 2/12/74 at [redacted] Nebraska File # MP 70-6882 963
by SA [redacted] amj Date dictated 2/13/74

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UNITED STATES GOVERNMENT

Memorandum

TO : SAC MINNEAPOLIS (70-6882) (P)

DATE: 2/13/74

FROM : SA [REDACTED]

b6
b7C

SUBJECT: RUSSELL CHARLES MEANS
ET AL
LEADERSHIP TRIALS
ST. PAUL, MINNESOTA
1/8/74
CIR-BURGLARY

Re MP memo of SA [REDACTED] 2/6/74

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On 2/12/74, [REDACTED] was contacted at [REDACTED] Nebraska concerning photographs mentioned in re memo. [REDACTED] advised that he has only a few photographs concerning the Wounded Knee Occupation and the destruction caused by the same. He said that he was recently served with a subpoena directing him to appear in St. Paul, Minn. on 2/18/74 and that the subpoena also directed him to bring the photographs with him. He advised that pursuant to the subpoena, he would prefer to continue to keep the photographs in his possession since he did not desire to disobey the order of the subpoena. He said he did not have the negatives of the above photographs.

[REDACTED] identified the unknown minister mentioned in re memo as [REDACTED] Neb., and stated that [REDACTED] has numerous photographs and transparent slides of the damage sustained by buildings in the Wounded Knee area following the Occupation.

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[REDACTED] was interviewed on 2/12/74 and allowed SA [REDACTED] to view slides re photographs taken by him following the Occupation of Wounded Knee. Copy of FD-302 re interview of [REDACTED] is attached to this memo.

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ADMINISTRATIVE:

[REDACTED] indicated in above contact that he would

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2-MP



5010-108-02

Buy U.S. Savings Bonds Regularly on th

70-6882-964

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willingly make the photographs available to this writer if the photographs would be handled as evidence. Referenced memo indicated that photographs were to be copied and not seized as evidence and in the absence of specific instructions from AUSA HURD to seize the photographs as evidence, no further action in this regard will be taken. It should be noted that the RAPID CITY RA does not have the equipment or facilities to reproduce the photographs and the only logical way of reproducing the photographs would be to take the photographs to a camera shop, have them reproduced, and return them to [redacted] prior to his departure on 2/17/74. [redacted] was not in accord with this idea as the photographs would not be in his possession and would not be evidentiary property of the FBI during the time it took to reproduce the photographs. As previously mentioned, [redacted] did not have the negatives of these photographs.

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In viewing the transparent slides in the possession of [redacted] it was noted that he has a large number of photographs which reflect the large amount of damage sustained by buildings in the Wounded Knee area following the Occupation. It is the opinion of the writer that these slides would be of great value in the presentation of the Government's case re captioned matter. [redacted] indicated that he has received no subpoena to date. FD-302 re interview of [redacted] does not describe each photograph as this would not be feasible due to the quantity of photographs and slides in his possession.

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All above information was telephonically furnished to SA [redacted] on 2/13/74.

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Consideration should be given to contacting AUSA HURD for determining if he desires to request that a subpoena be issued and served on [redacted]

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SAC, MINNEAPOLIS (70-6832-Sub P)

2/13/74

SA []

b6
b7C

WOUNDED KNEE LEADERSHIP TRIALS
ST. PAUL, MINNESOTA

On 2/13/74 SA [] telephonically advised that the [] Nebraska, advised him that he had not been subpoenaed for the Wounded Knee trials in St. Paul, but that he has possession of many photographs taken after the departure of the insurgents at Wounded Knee, South Dakota. [] advised topics of his photographs are:

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b7C

Unspent Molotov cocktail;

Charred and burned .22 rifle;

[] truck (both before and after the occupation), as well as the [] home;

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Bunkers occupied by Wounded Knee insurgents and the church (probably the Tipi Church) as well as the catholic church.

[] said that he would be willing to testify in this matter if AUSA HURD deemed it necessary and that he would be willing to bring to the courtroom both his snapshots and slides of these photographs.

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SA [] stated that [] had many, many photographs of the Wounded Knee area, both before and after the siege, but that [] was not present during the siege at Wounded Knee and obviously would be unable to testify as to any occurrences there at that respective time.

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SA [] was advised of the contents of this memo on 2/13/74, by SA []

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4 - Minneapolis (70-6832-Sub P)

(1) - 70-6882)
(1) - 70-6864)

[] wkb
(2) []

70-112-965

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b7C

[]

SAC, MINNEAPOLIS (70-6832-Sub P)

2/14/74

SA [REDACTED]

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b7C

**WOUNDED KNEE LEADERSHIP TRIALS
ST. PAUL, MINNESOTA**

Re memo of SA [REDACTED] 2/12 & 13/74
pertaining to photographs and lists of damages from [REDACTED]
[REDACTED]

b6
b7C

On 2/13/74, SA [REDACTED] advised that AUSA
R. D. HURD wanted to see the photographs that the [REDACTED]
[REDACTED] Nebraska, had
in his possession prior to making any decision to subpoena
[REDACTED]

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AUSA HURD also stated, upon learning that the
original list of the damages to the [REDACTED] home is in
the possession of the Department of Social Services at
Pine Ridge, South Dakota, that he desired to have the
original and know the identity of the person to whom a
subpoena should be directed concerning this list.

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It should be noted that a lead has been set forth
by SA [REDACTED] at Aberdeen, South Dakota, to obtain
this list at the DIA Social Services Division in Aberdeen.
SA [REDACTED] was able to obtain a copy of these lists
and indicated that the original is maintained in Pine Ridge.

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LEADS

MINNEAPOLIS

AT PINE RIDGE, SOUTH DAKOTA

1. Will obtain original lists describing damages
to the [REDACTED] home and the identity of the person to
whom a subpoena should be issued.

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b7C

2. Will obtain from [REDACTED]
photographs taken by him of the wounded knee area. 70-6832-960

(4) - Minneapolis

[REDACTED] wkb
(2)

SEARCHED	INDEXED
SERIALIZED	FILED
FEB 14 1974	
FBI - MINNEAPOLIS	

(Mount Clipping in Space Below)

Voting begins in Pine Ridge election

PINE RIDGE — Voting in the Oglala Sioux tribal election began Thursday morning with arch-foes Richard Wilson 39, and Russell Means 34, both claiming they would win the vote for tribal president.

American Indian Movement leader Means, whose time has been occupied since early January by federal court proceedings in St. Paul, said, "The trial has hurt. I just haven't been able to be here to campaign."

He arrived on the Pine Ridge Indian Reservation Wednesday

for a series of district political rallies and said that, although Wilson's campaign has been highly organized, he still considered his support strong. Means said his supporters had been campaigning for him through the reservation's 20 districts.

Incumbent Wilson had virtually ended campaigning Wednesday with his only appearance being at what he said was "our first full-scale pow-wow" at Pine Ridge that night. He said he had spent several thousand dollars on his re-election campaign and that "We've been on the campaign trail for about a month. It's a big reservation to cover."

Earlier Wilson had said that if he wins the election AIM members would "have 10 days to get off this reservation or else, and I won't elaborate on the or else."

Ethel Merriwell, an Oglala tribal lawyer, announced at a press conference in Rapid City Wednesday afternoon that she would adopt Dennis Banks, American Indian Movement spokesman, as her son in tribal ceremonies on the Pine Ridge Reservation Wednesday night.

Mrs. Merriwell, who is one of the attorneys for Banks and Russell Means in their current trial in federal court in St. Paul, said she "loves Dennis as a son and loves the things he stands for."

Banks will now be allowed on the Pine Ridge Reservation and be allowed to vote in Thursday's tribal election, according to Mark Lane, another attorney for Banks and Means.

Myron Rock, clerk of the tribal election board, said Thursday morning that, "Even if Banks was adopted to become a member of the tribe, he wouldn't qualify to vote as he hasn't been a resident of the reservation for a year."

Banks had been banned from Pine Ridge since he is not an Oglala Sioux by the Pine Ridge Tribal Council prior to the take-over of Wounded Knee last March. Banks is a Chippewa from Minnesota.

Banks still faces a six-month jail sentence for breaking the tribal ruling when he took part in the take-over of the reservation village of Wounded Knee, according to a spokesman for the Wounded Knee Legal Offense/Defense Committee in Sioux Falls.

At the news conference Banks said the recent court dismissals of AIM members in their trial in Sioux Falls proves the government was wrong in trying to prosecute AIM members for their actions.

Indictments were dismissed Monday against four persons in trial in so-called "non-leader-



Means

(Indicate page, name of newspaper, city and state.)

Page 1

Rapid City
JOURNAL

Rapid City,
SOUTH DAKOTA

Date: Feb. 7, 1974
Edition: FINAL
Author:
Editor: JAMES M. KUCH N
Title:

Character:

or

Classification:

Submitting Office:

☐ Being Investigated

20-6887-967
SEARCHED INDEXED
SERIALIZED FILED

1-157-1460

b6
b7C

ship cases" stemming from the takeover of Wounded Knee.

Government prosecutors said they decided not to proceed with the cases because a link was missing in the chain of evidence which led to indictments for burglary and larceny in connection with the looting of the Wounded Knee Trading Post.

Commenting on the trial in St. Paul, which was recessed so Means could participate in the election, Banks said the federal courts were continuing their racist stand by striking from the jury the only potential jurors he regarded as peers.

Banks predicted Means will win Thursday's election with a 67 per cent majority. A total of 4,665 persons are reported eligible to vote. A record 2,840 votes were tallied in the Jan. 22 primary when Means had a total of 677 as compared with Wilson's 518 and 1,573 for 11 other candidates for the presidency.

Residents of Wounded Knee say the campaign had polarized the faction supporting Means, centered in Porcupine, and those supporting Wilson at Pine Ridge.

Election officials were predicting a record voter turnout for Thursday's contest. In the last general election in 1971, 2,221 of the 4,450 eligible voters went to the polls, according to

Myron Rock, tribal election official.

"There's a lot of interest in this election, more than ever before," said Thomas Conroy, a Bureau of Indian Affairs official who is responsible for establishing the residency eligibility of voters.

Sunny skies were expected for Thursday's election, with temperatures in the 20s and 30s. There are 22 precincts on the reservation with voting by paper ballot. The polls open at 9 a.m. and close at 7 p.m. MDT.



Wilson

FEDERAL BUREAU OF INVESTIGATION

February 11, 1974

Date of transcription

[redacted] South Dakota Division of Motor Vehicles, Pierre, South Dakota, provided a certified copy of South Dakota Vehicle Title 338471, for a 1970 Dodge, Vehicle Identification Number DM110D109144, registered to CLIVE A. GILBERTSLEEVE, Wounded Knee, South Dakota.

b6
b7CInterviewed on 2/1/74 at Pierre, South Dakota File # MP 79-6882by SA [redacted] /rb

SEARCHED <u>4</u>	INDEXED <u>4</u>
SERIALIZED <u>4</u>	FILED <u>4</u>
Date dictated <u>2/7/74</u>	

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b7C

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FBI — [redacted]

76 6682 968

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 2/13/74-1-

On February 5, 1974, Special Agent (SA) [] made one copy of a magnetic tape. This tape contained recordings of various unknown individuals while marching from Rosebud to Founded Knee, South Dakota, on side one. Side two contained the interviews of the walk, but also contained selections from the Aberdeen Central High School Acappella Choir - 1972.

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b7C

Interviewed on 2/5/74 at Minneapolis, Minnesota File # 157 70-6822-Sub D

by SA [] dlb Date dictated 2/8/74

b6
b7C

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70-672-969

FEDERAL BUREAU OF INVESTIGATION

1*

Date of transcription February 15, 1974

On February 5, 1974, [redacted] and MARK LANE, attorneys representing the Wounded Knee Legal Defense Offense Committee, photographed three overlay maps of the Wounded Knee, South Dakota, area. The three overlay maps photographed by Mr. [redacted] and Mr. LANE were prepared by the FBI Laboratory.

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FCIA/PA

DO NOT DESTROY SERIAL _____

PRIOR TO 11/84Interviewed on 2/5/74 at St. Paul, Minnesota File # MP 70-6832-Sub Pby SA [redacted] jrp Date dictated 2/11/74b6
b7C

70-1082-970

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 1/29/74

[redacted] was apprised of the identity of the interviewing Agent and was told he was being interviewed concerning his knowledge and/or participation in the Wounded Knee, South Dakota, takeover during 1973. [redacted] was advised of his constitutional rights and also furnished an "Interrogation; Advice of Rights" form which he read and voluntarily signed waiving his rights.

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[redacted] displayed a card which identified him as an elder of the Body of Christ Church and advised he had no reason to lie to interviewing Agent.

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[redacted] related that at about 5:00 PM on February 27, 1973, he went to a powwow at Calico, South Dakota. He saw RUSSELL MEANS, DENNIS BANKS, and PEDRO BISSONETTE at the powwow and there were about 100 other people, most of whom were outsiders. [redacted] observed no guns at Calico.

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About 8:00 PM, RUSSELL MEANS told everyone there was going to be a dance at Porcupine, South Dakota. Many of the people proceeded to their cars and the cars started leaving the vicinity of Calico. There were approximately four cars that left ahead of [redacted] and he followed. Riding in [redacted] car was a woman from Porcupine, South Dakota, and her daughter, and another old man. [redacted] could not identify any of these people by name.

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[redacted] followed the cars leading the procession into Wounded Knee, South Dakota. He parked about 100 yards from the Trading Post and remained in his car as did the other occupants. Many of the occupants of the other cars got out and started gathering around the Trading Post and some of the people started shooting out the "blue lights". [redacted] related the blue lights were the overhead lights around the Trading Post.

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After about five minutes some of the cars started to leave and [redacted] did not want to get involved in what was going on around the Trading Post so followed the cars out of the area. [redacted] did not know if the trading post had been broken into and entered before he left the area.

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Interviewed on 1/17/74 at Pine Ridge, South Dakota File # 70-6882-971
by SA [redacted] pms Date dictated 1/23/74 MP 70-7906

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MP 70-7906

A caravan of five cars went to Porcupine, South Dakota and remained for about an hour. They could not locate a dance and eventually returned to Wounded Knee, South Dakota. The riders of [redacted] car remained in Porcupine. Upon their return they went to the Sacred Heart Catholic Church where [redacted]

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[redacted] told him that they were going to have a battle out there (meaning the Trading Post). [redacted] then left the church and returned to his home. [redacted] did not recall seeing any police cars around Wounded Knee and advised that while traveling toward Pine Ridge, South Dakota, he met several yellow buses which he understood were carrying marshals. [redacted] thought it was about midnight when he left for his home.

[redacted] could not identify any specific individuals in the activities around the Trading Post. He said a bunch of American Indian Movement (AIM) members led the procession out of Calico to Wounded Knee, but he did not know any specific individuals in these cars and did not know the location of the AIM leaders.

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About a week later on a Sunday, [redacted] was confronted by four Indian males whom he later identified to be from Oklahoma. They asked [redacted] if he would take them into Wounded Knee. At about midnight they walked through the hills into Wounded Knee. Only one of the four Indian males was armed and he had a rifle.

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While in Wounded Knee on this occasion [redacted] said [redacted] observed all of the "AIM people from Pine Ridge". He could only identify two by name and they were [redacted] and OSCAR RUNNING BEAR. He said he did not observe any of the AIM leaders on this visit.

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On the afternoon after the entry the marshals parked their tanks east of Wounded Knee and started firing machine guns over the village. The gun fire scared [redacted] off and he started walking cross country out of Wounded Knee. He ran into a car of marshals or FBI Agents who took his name, searched him, and let him go. [redacted] advised that he did not return to Wounded Knee after this occasion.

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MP 70-7906

[redacted] viewed an album containing numerous photographs. He identified the following individuals by picture only and said he did not know them by name but had seen them either in Wounded Knee, South Dakota, or at Calico, South Dakota: b6 b7C

[redacted]
CARTER CAMP
LORILEI HOPE DE CORA
[redacted]

[redacted] identified the following individuals and advised he knows them by name:

OSCAR RUNNING BEAR
DENNIS BANKS
PEDRO BISSONETTE
LEONARD CROW DOG
RUSSELL MEANS

[redacted] identified the following individuals by picture only and stated he saw them only at Calico, South Dakota:

STANLEY HOLBER;
TED MEANS;
[redacted]

The following description was obtained through observation and interview:

Name
Alias
Date of Birth
Place of Birth
Height
Weight
Hair

Eyes
Tattoos

[redacted] b6 b7C
[redacted] South Dakota
5'4" (Appears to be about 6'0")
170
Black
(shoulder length)
Brown

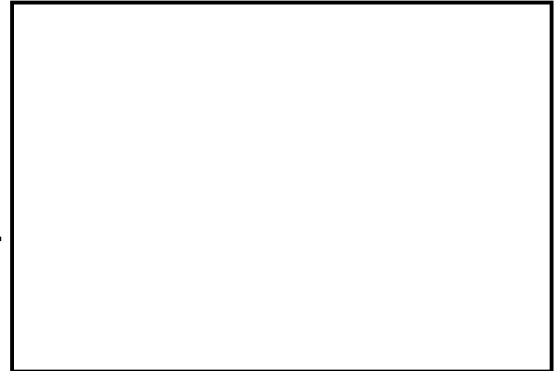
[redacted]

MP 70-7906

Education
Military Classification
Social Security
Account Number
Arrest Record

Marital Status

Residence



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FEDERAL BUREAU OF INVESTIGATION

Date of transcription February 7, 1974

Mrs. [redacted] advised
of the following information:

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Mrs. [redacted]
[redacted] Parkview Plaza Apartments, 4106 Jackson Boulevard, Rapid City,
South Dakota, [redacted]

Mrs. [redacted] advised she recalls [redacted] Parkview
Plaza Apartments, 4106 Jackson, to a [redacted]
[redacted] On July 5, 1973, Mrs. [redacted] stated, at a later
date mail was received for an [redacted] and at
that time she found out that [redacted]

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[redacted] She said, on July 5, 1973, [redacted]
gave her \$250 in cash for the [redacted] for the period of
July 4 to August 1, 1973. She advised the terms of the lease required a
\$300 per month rental fee due on the first of each month. [redacted]
signed a lease on July 5, 1973, which was a one-year lease to expire on
July 31, 1974. This lease contained a requirement that a written 30-day
notice was to be given for cancellation of the lease prior to the annual
lease renewal date.

Mrs. [redacted] told her that she and [redacted]
[redacted] from California and needed a three bedroom apart-
ment in order to use the third bedroom as an office. Mrs. [redacted] said she
advised [redacted] that according to the lease the apartment could only be
used as a household and not as an office. Mrs. [redacted] told
her that her fiancée, not named, may be calling upon her but that no one
else would be around at that time.

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Mrs. [redacted] said that as she recalls, [redacted] came to
her on July 4, 1973, making inquiry about the advertisement in the paper
at which time they were shown [redacted] and no commitment
was made at that time. However, on July 5, 1973, [redacted]
[redacted]

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Mrs. [redacted] stated the lease also required a \$100 cash deposit,
which is in effect a security deposit, be paid but was never paid by
[redacted]

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She stated that as she recalls, sometime during August, 1973,
[redacted] made an offer of paying the deposit but stated she was short on
money and, therefore, the deposit was not paid. She stated, according to

Interviewed on 2/4/74 at Rapid City, South Dakota File # MP 70-6869

by SA [redacted] /amj Date dictated 2/7/74

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70-6882-972

receipts maintained by the apartment manager, she issued a receipt on July 5, 1973, to [redacted] for receipt of \$250 in cash and on August 6, 1973, issued a receipt for \$300 in cash for the month's rent covering the period of August 1 to September 1, 1973.

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Mrs. [redacted] said she recalls that the furniture used by [redacted] was delivered by Bill's Second Hand Store, Rapid City, South Dakota, who moved the furniture in on July 5, 1973, the same day that [redacted] took residence.

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On September 3, 1973, [redacted] at approximately 9:00 p.m. and asked for the name of a cleaning lady to clean her apartment. Mrs. [redacted] said she would attempt to obtain the name of a lady who regularly cleaned another tenant's apartment and provide the name to [redacted] stated that at approximately 11:00 p.m. on September 3, 1973 [redacted] again contacted her at which time she advised she would be vacating her apartment as of September 5, 1973 and asked for the name of a moving company. Mrs. [redacted] the Mayflower Moving and Storage Company representative, Rapid City, South Dakota, who was a long time family friend.

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Mrs. [redacted] advised on September 5, 1973, early in the morning, around 8:00 or 8:30 a.m., as she recalls, one of the tenants, Mrs. [redacted] complained to Mrs. [redacted] that a very loud and boisterous party had apparently been held in [redacted] in which many loud and disturbing noises kept Mrs. [redacted] awake most of the night. Mrs. [redacted] stated she then went to talk to [redacted] sometime between 9:00 and 10:00 a.m., September 5, 1973, when she told [redacted] of the complaint she had received about the party the preceeding night. She said [redacted] clients were at the apartment that night drinking and had got "carried away" without further explanation. Mrs. [redacted] stated she was invited into the apartment by [redacted] and she observed several people still asleep on the front room floor and several others "milling around" as if they had just awoke.

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Mrs. [redacted] Mayflower Moving and Storage, was already at the apartment apparently taking inventory and marking parcels that were to be moved by his company that day. Mrs. [redacted] said that she, [redacted] had coffee at that time. She estimated there were a total of approximately 15 people in the apartment most of whom were Indians, a negro man who had a full beard and mustache who was introduced to her as BILLY and was apparently accompanied by a white woman named SHIRLEY. She said that after she arrived and was drinking coffee with [redacted] the group in the apartment told [redacted] good-bye and left.

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Mrs. [] said while she was still in the apartment, [] finished marking the parcels to be shipped and completed his estimate and then left. After he left, [] an unrecalled amount plus \$20 for the clean-up of the apartment. Mrs. [] stated that no receipt was issued [] own request and therefore she does not recall the amount.

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She said later in the day [] apartment and told her she had given [] the keys to Apartment [] was to supervise the moving of the household goods and upon completion of the move [] was to give the keys to the apartment to Mrs. [] At this time, [] there would be things left in the apartment that should be disposed of after the movers had completed the move and left.

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Mrs. [] stated, in the late afternoon or evening she met [] at the back door to the apartment building and both went to [] where he supervised the loading of the household effects by two of his men. She said upon first entering the apartment she and Mr. [] saw the back bedroom (or bedroom number three) and the hall bathroom door closed and [] told her that they were closed since there was nothing to be moved in either room. She stated she looked into these rooms and both were in a terrible disarray of papers and other paraphernalia. She said, as she recalls, upon looking in the bathroom, she saw several red stains on the walls of the bathroom which she believes was blood. She said after the movers had completed the move and left she then notified Special Agents of the FBI who were residing in Apartment 306 that [] had been vacated and numerous papers and trash were left behind.

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Mrs. [] advised that all records pertaining to the lease and the payment of the rent are maintained by the owners, Mr. and Mrs. [] South Dakota.

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Mrs. [] made available a Xeroxed copy of a normal blank lease used by the Parkview Plaza Apartments.

FEDERAL BUREAU OF INVESTIGATION

Date of transcription February 7, 1974

[redacted] Pennington County Sheriff's Office, advised of the following information:

[redacted] advised CARTER CAMP was incarcerated in the Pennington County Jail at 8:22 p.m. on August 27, 1973, by United States Marshal [redacted] on the charge of Willful Assault With a Dangerous Weapon. CAMP was released at 7:49 p.m. on September 4, 1973.

[redacted] advised the following individuals visited CARTER CAMP on the following dates and/or times as indicated:

August 27, 1973, 8:25 p.m. to 8:34 p.m., Attorney MARK LANE.

August 27, 1973, telegram not further described, was delivered for CAMP and given to him.

August 28, 1973, 8:50 a.m., United States Magistrate JAMES WILSON, visited CARTER CAMP with Deputy Sheriff [redacted] present.

August 28, 1973, 10:34 a.m., CAMP received a call from a Mr. [redacted] Washington, D. C., Sheriff MEL LARSON and Deputy Sheriff [redacted]

August 28, 1973, 10:35 a.m., CAMP received a call from [redacted] Attorney of Wounded Knee Legal Defense and requested that they hold the line as CAMP talking to Mr. [redacted]

August 28, 1973, 10:37 a.m., CAMP called to [redacted] complete and received call from Attorney [redacted]

August 28, 1973, 1:11 p.m., Attorney [redacted] visited CAMP with Deputy Sheriff [redacted] and Chief Deputy [redacted] present.

On August 28, 1973, 1:16 p.m., CAMP received call from person identifying himself as sister [redacted] with Deputies [redacted] present.

August 28, 1973, 1:42 p.m., CAMP visit with [redacted] completed.

Interviewed on 2/4/74 at Rapid City, South Dakota File # MP 70-6869

by SA [redacted] amj Date dictated 2/7/74

MP 70-6869

August 28, 1973, 1:54 p.m., CAMP received call from Attorney LUKE MC KISSOCK; Los Angeles, California, in presence of Deputy [redacted]

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August 28, 1973, 2:07 p.m., CAMP call completed with Attorney MC KISSOCK.

August 28, 1973, 2:08 p.m., CAMP visit with Attorney [redacted] complete.

August 28, 1973, 2:49 p.m., CAMP taken to court by Deputy Sheriff [redacted] and Deputy United States Marshal [redacted]

August 28, 1973, 3:22 p.m., CAMP returned from court by Deputy United States Marshal [redacted]

August 30, 1973, 4:40 p.m., CAMP received call from a friend and call approved by Chief Deputy [redacted] with Deputy [redacted] present.

August 30, 1973, 5:07 p.m., Attorney MARK LANE visited CAMP with Deputy Sheriff [redacted] present.

September 1, 1973, 4:16 p.m. to 5:10 p.m., CAMP visited by Attorneys ROUBIDEAUX, LUKE MC KISSECK, [redacted] upon authority of Sheriff LARSON who was present along with Deputy Sheriffs [redacted] present.

September 2, 1973 12:20 p.m., CAMP visited by Attorneys MARK LANE, RAMON ROUBIDEAUX, JOHN TRUDELL, and GEORGE ROBERTS.

September 2, 1973, 4:24 p.m. to 4:41 p.m., CAMP visited by LUKE MC KISSICK, [redacted] with Deputy [redacted] and Chief Deputy [redacted] present.

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September 4, 1973, 10:40 ___ visited by Magistrate WILSON with [redacted] present.

September 4, 1973, 11:45 a.m., CAMP visited by MARK LANE with Chief Deputy [redacted] and one other Deputy present.

September 4, 1973, 2:36 p.m., CAMP taken to court with Sheriff LARSON present and taken by [redacted] and GEORGE TENNYSON.

September 4, 1973, 7:49 p.m., CARTER CAMP released to GEORGE TENNEYSON, United States Marshal.

MP 70-6869

[] advised his department maintains no records as to approved individuals with whom prisoners may correspond and no records other than the information shown above is maintained on either outgoing or incoming mail of the prisoners. [] stated that all mail, both incoming and outgoing, is routinely censored by the jailer who stamps each piece of mail with a rubber stamp with censored in large red letters with a line appearing underneath in which the jailer initials. [] provided a sample of stationery and envelopes used by prisoners in the Pennington County Jail for their correspondence.

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MP 70-6832

[redacted] pms

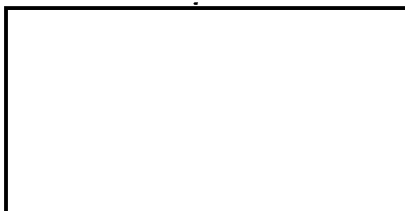
I

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The following investigation was conducted at Wounded
Knee, South Dakota, on January 10, 1974, by SA [redacted]
[redacted]

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On January 10, 1974, an attempt to contact the following
individuals all at the same residence in the Old Housing at
Wounded Knee, South Dakota, was made:



The first knock on the door was answered by an Indian
female who would not give her name, but who told SA [redacted] that
she was baby sitting and that the [redacted] were not at home.

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A second attempt a few hours later met with negative
results when the occupants of the house would not answer their
door. It was obvious that someone was at home; however, no one
would answer the knocks at the door.

SEARCHED	INDEXED
SERIALIZED	
FBI - [redacted]	

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70-6882-974

(Mount Clipping in Space Below)

No state money for persons at trials

PIERRE (AP) — Gov. Richard Kneip said Saturday no state money will be used to aid persons coming to Sioux Falls for trials of Wounded Knee defendants.

Many of the persons charged in connection with the 71-day occupation of the Pine Ridge Indian Reservation village will stand trial in Sioux Falls.

Kneip said the state Social Services Department has applied for a \$25,000 federal grant. He said that money will be used only to refer visitors to existing social service agencies in the Sioux Falls area.

"No special state or federal funds administered by the state will be used to supply direct aid to the persons involved," he said. "The state is prepared to assist local officials in the law enforcement area if local officials feel it is necessary."

Meanwhile, Sen. Kenneth Trask, R-Custer, said no state or

federal funds should be given to cities where such trials are being held.

"The state already is finding it necessary to appropriate \$65,000 to the attorney general and to Custer County to aid in prosecution of cases arising from a civil disturbance in Custer last winter," he said.

Those cases arose from a rock-throwing, club-swinging brawl on Custer's main street as Indians protested the charge against a non Indian accused of killing an Indian.

"It seems ridiculous to me to spend funds to prosecute criminal cases and turn around and spend money to house and feed supporters of the defendants," Trask said.

(Indicate page, name of newspaper, city and state.)

13 Rapid City
JOURNAL
Rapid City, S.D.

Date: 2/9/74
Edition: FINAL
Author: J
Editor: James M. Kuehn
Title:

Character:
or
Classification:
Submitting Office: Minneapolis
☐ Being Investigated

FEB 10 1974

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b7C

1- 70-6832 Sub P
1- 70-6864
②- 70-6882-975
1-157-1458
1-157-3461
1-157-846
1-157-1506

70-6882-975

(Mount Clipping in Space Below)

Letter prompts Banks, Means trial hearing

ST. PAUL, Minn. (AP) — A controversial letter in the trial of two leaders of the American Indian movement (AIM) was found in a Rapid City, S.D., apartment, a witness testified Monday.

Defense counsel for Dennis Banks and Russell Means are trying to suppress the letter as a possible government exhibit in connection with the charges of 10 felony accounts against Banks and Means for their part in the 71-day occupation last year of Wounded Knee, S.D.

A special hearing was held Monday in St. Paul prior to opening statements and testimony Tuesday, and the defendants were not in court by their own choice.

Margaret Jenner, who was resident manager of the Park View Plaza Apartments in Rapid City at the time, said the letter was discovered in a unit which two women had vacated last Sept. 5. Mrs. Jenner said she contacted an FBI agent, who came and examined the apartment.

The letter reportedly was written Sept. 5 by Carter Camp, recently ousted AIM member, and addressed to fellow AIM members and leadership. Its contents have not been disclosed publicly.

Banks has said the letter is damaging to the defense of himself and Means. But Camp, Stillwater, Okla., has denied writing it.

The defense contends the government received the letter last September and failed to disclose it to the defense in violation of a general court order last Oct. 16.

Assistant U.S. Atty. R.D. Hurd said the prosecution did not actually receive the letter until Jan. 25 and turned over a copy to the defense within four days.

(Indicate page, name of newspaper, city and state.)

3 Rapid City Journal

Rapid City, S.D.

Date: Feb. 11, 1974
Edition: FINAL
Author:
Editor: JAMES M. KUEHL
Title:

Character:

or

Classification:

Submitting Office: MINNEAPOLIS

☐ Being Investigated

1-70-6864

② 70-6882

1-70-8448

1-70-6869

1-157-846

1-157-1458

1-157-1460

70-6882-976

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(Mount Clipping in Space Below)

Means returns to reservation

PINE RIDGE (AP) — American Indian Movement leader Russell Means returned to the Pine Ridge Indian Reservation Wednesday to campaign for Thursday's tribal election.

Enrolled members of the Oglala Sioux Tribe on the reservation, scene of last year's 71-day American Indian Movement (AIM) occupation of the hamlet of Wounded Knee, will elect a new tribal president.

The two major candidates in the election are incumbent Richard Wilson and Means.

Means, on trial in federal court in St. Paul, Minn., for his alleged part in the Wounded Knee takeover, beat Wilson in the recent primary election. Unofficial totals showed Means with 667 votes and runnerup Wilson with 511.

Tribal members said Wilson has been campaigning intermittently this week on the reservation, and supporters of Means have been campaigning for him.

Campaign posters for both of the candidates are in evidence throughout the sprawling reservation.

Wilson had no plans to campaign today, according to his brother, James Wilson. The candidate's brother said Wilson might make a brief appearance tonight at a rally in his behalf at Billy Mills Hall in Pine Ridge.

(Indicate page, name of newspaper, city and state.)

Page 2

Rapid City
JOURNAL

Rapid City,
South Dakota

Date: Feb. 7, 1974
Edition: FINAL
Author:
Editor: JAMES M. KUEHN
Title:

Character:

or

Classification:

Submitting Office:

☐ Being Investigated

70-6882-977
SEARCHED _____ INDEXED _____
SERIALIZED _____ FILED _____

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b7C

1-157-1460

Banks, Means to make statements

ST. PAUL, Minn. (AP) — Defendants Dennis Banks and Russell Means, leaders in the American Indian Movement (AIM), get their chance to make opening statements Tuesday on what the protest-occupation of Wounded Knee was all about.

Like the marathon 71-day occupation from Feb. 27 to May 8, the trial has exhibited some of the same tedious elasticity.

Starting Jan. 8, it took 19 days to pick a jury of nine women and three men, plus three women and two men alternates.

A day-long hearing Monday on a defense motion to suppress a disputed letter threatened to spill over into Tuesday's scheduled startup. Twice, U.S. District Judge Fred J. Nichol prodded defense counsel to get on with the session.

Banks, 41, St. Paul, a

Chippewa Indian, and Means, 34-year-old Oglala Sioux resident of Porcupine are accused in a 10-count indictment with such crimes as burglary, theft, assault of federal officers and firearms violations, as well as conspiracy.

Focal point of their defense, says Means, is the alleged "trail of broken treaties" by the U.S. government. In the case of Wounded Knee, AIM leaders claim they were "liberating" the hamlet of some 400 persons from government domination through the Bureau of Indian Affairs (BIA).

Nichol granted permission for Means and Banks to make opening statements, but said none of the six defense counsel could then make statements.

The judge wanted some indication Monday of how long the

defendants planned to talk. However, Banks and Means had been excused for the evidentiary hearing and their lawyers said they had no idea how much time the pair wanted.

R.D. Hurd, carrying the ball for four prosecution attorneys, expected to talk about an hour.

Three witnesses were called at Monday's hearing, as the defense sought a ruling to suppress a certain letter which it claims is potentially damaging to its case.

William Kunstler of New York, heading a six-lawyer defense team, tried to show that Margaret Jenner, former resident manager of an apartment at Rapid City had no right to turn over the letter to FBI agents last Sept. 5.

The letter—contents of which have been kept private—purportedly was written Sept. 5 by Carter Camp, Stillwater, Okla., from jail at Rapid City. However, Camp, who has fallen from AIM graces and was ousted last week, has denied writing the message, addressed "to all AIM members and leadership."

Defense counsel claims U.S. attorneys got the letter illegally and complained that a copy of it wasn't delivered to them until Jan. 29. Kunstler said this violated an Oct. 16 District Court order providing the defense should be given access to certain evidence to be introduced at the trial. Hurd says government lawyers received the letter only four days earlier, Jan. 25.

(Mount Clipping in Space Below)

(Indicate page, name of newspaper, city and state.)

2 Rapid City Journal

Rapid City, S.D.

Date: Feb. 13, 1974

Edition: Final

Author:

Editor: James M. Kuehn

Title:

Character:

or

Classification:

Submitting Office: Minneapolis

☐ Being Investigated

RECEIVED

Feb 13 1974

1-70-6844
1-70-6882
1-70-6869
1-159-806
1-159-1458
1-159-1460
1-159-1506

70-6882-978

(Mount Clipping in Space Below)

AIM trial flareup

Attorneys ordered removed from court

By JOHN LUNDQUIST

ST. PAUL, Minn. (AP) — A flareup that saw three defense attorneys jostled out of court by federal marshals on order of an irritated judge sparked the trial of Indians Russell Means and Dennis Banks Tuesday.

Two of them were William Kunstler and Mark Lane, New York, who for several years have defended activist causes around the country.

U.S. District Judge Fred J. Nichol acknowledged later it was due to a misunderstanding and said the matter was clarified in chambers during a recess that brought an end to the courtroom uproar.

Kunstler, Lane and Kenneth Tilsen, St. Paul, joined other defense counsel when court resumed.

Banks, 41, St. Paul, a Chippewa Indian, and Means, 34, an Oglala Sioux from Porcupine, S.D., are accused of helping spearhead the 71-day occupation of Wounded Knee, S.D., last year.

Nichol granted their request to make their own opening statements but said their lawyers could not do so in that event.

The eruption came Tuesday on the 21st day of the trial, which Nichol has said may last four months or more.

Means had made his statement, assailing government policies toward Indians and alleging corruption and harassment of American Indian Movement (AIM) members on the Pine Ridge Indian Reservation.

Soon after Banks launched into his speech to the jury, he ran into a sharp warning from Nichol.

Banks noted the case had been transferred from South Dakota jurisdiction because of what he called the "South Dakota mentality" against Indians.

He added: "And I quote from Judge Nichol: that they (South Dakotans) would rather line us up and shoot us dead."

Nichol, with flushing face, broke in: "I did not say that!" He warned Banks not to stray that way again.

The second blow-up came a few minutes later, when Banks referred to an incident involving an Indian and law enforcement officers at Gordon, Neb.

U.S. Atty. for South Dakota William Clayton, heading the four-man prosecution team, objected to it as irrelevant. Nichol sustained it.

Lane—chief attorney for Banks—asked that an exception to the order be noted. It was similar to a request Kunstler—main attorney for Means—made earlier when the judge had warned Banks. And Nichol said that as two veteran attorneys in federal court procedure, both Kunstler and Lane should know they didn't need to pop up with such exceptions.

When Lane interjected again Nichol warned, "I am going to have you and Mr. Kunstler removed if you continue in this."

In the flurry that followed, Kunstler said the two were only making "ordinary objections." Tilsen rose to protest that "I don't believe the defendants can continue under these circumstances."

Nichol ordered marshals to take the three out, and lawmen grabbed each by the arms for a hasty exit. At the door, Lane turned to one and said, "Don't pull me, buddy."

And Banks, leaving the podium, called out, "Leave 'em alone!"

Nichol recessed court to restore order and huddle with attorneys for both sides in his chambers.

(Indicate page, name of newspaper, city and state.)

22 Rapid City Journal

Rapid City, S.D.

1-70-6864
 0-70-6882
 1-157-846
 1-157-1458
 1-157-1460
 1-157-3371

Date: 2/12/74
 Edition: Final
 Author: John Lundquist
 Editor: James M. Kuehn
 Title:

Character:

or

Classification:

Submitting Office: Minneapolis

☐ Being Investigated

SEARCHED INDEXED

SERIALIZED FILED

FBI - MINNEAPOLIS

b6
b7c

70-6864-979

UNITED STATES GOVERNMENT

Memorandum

TO : SAC, MINNEAPOLIS (70-8448)(P)

DATE: 2/5/74

FROM : SA DONALD G. WILEY

SUBJECT: PINE RIDGE ELECTION
PINE RIDGE RESERVATION
OGLALA SIOUX TRIBE
PINE RIDGE, SOUTH DAKOTA

On 2/5/74 [REDACTED] Judicial, Prevention and Enforcement Service, Pine Ridge, South Dakota advised that although he does not expect any confrontation in the forth coming Tribal Election, 2/7/74, he has a special group of Police Officers on the Pine Ridge Reservation "On the Alert" [REDACTED] continued he has asked his BIA Headquarters for 4 experienced Law Enforcement men from BIA and who are thoroughly reliable. These men are to arrive on the Reservation on 2/6/74 and remain until after the tribal election.

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According to [REDACTED] he has noted no unusual build-up of Indians on the Pine Ridge Reservation and so far all has been quiet and peaceful.

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b7C

[REDACTED] advised that there are approximately 4,500 Indian residents of the Reservation who are eligible to vote in the general election. He stated that about 2,700 or 3/4 of those eligible to vote vote in the primary which chose the presidential candidates for the general election.

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b7C

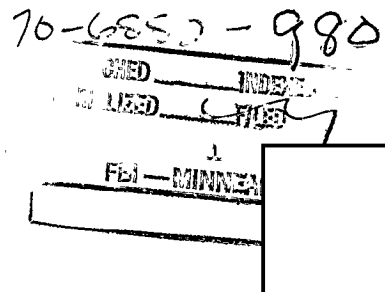
[REDACTED] stated both RUSSELL MEANS, AIM LEADER, backers and RICHARD WILSON, present Tribal President, and his backers are extremely confident each of their candidates will win the election. According to [REDACTED] WILSON has a brother who has worked out a formula, using the figures of the primary, which shows that between MEANS and WILSON, WILSON will receive 1,533 votes and MEANS will receive 1,242 votes giving the election to WILSON.

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b7C

72-70-8448
1 - 157-3461
1 - 157-1570
1 - 157-1453

1 - 157-1460
1 - 157- (ETHEL MERRIVAL)
1 - 157-1560
1 - 70-6882
1 - 70-6832 Sub O
1 - 70-7041

DGW:dgw
(11)



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b7C

[redacted] advised WILSON has secured the Billy Mill Hall, Pine Ridge, South Dakota for the evening of 2/6/74. WILSON plans a big rally, pow wow and feed to wind up his campaign. WILSON has been campaigning on TV and through the news media. [redacted] stated that in talking with WILSON, WILSON informed him he WILSON received a call from ETHEL MERRIVAL, an AIM sympathizer, who told WILSON she is going to attend the rally and plans to get on the podium to speak for AIM, [redacted] stated that he is sure that the WILSON supporters will throw her off the podium which could result in some demonstrations on both sides.

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[redacted] stated that bad weather and roads could hurt WILSON in the election in that many of WILSON's supporters may not be able to get out and vote. These would be people living in the outlying areas away from the small villages and towns where the voting places are located.

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[redacted] advised that [redacted] a white female, about 5'1" to 5'2", 25 years of age, blonde hair and who has [redacted] about the WILSON [redacted] Harper's Magazine, recently contacted [redacted] and told [redacted] she was [redacted] VIVA Magazine, and asked a lot of questions concerning the shooting death of PEDRO BISSONETTE and about Indian Civil Rights on the Reservation. [redacted] he could not give her all the specifics to the questions she asked and only gave information which has been made available to the general public.

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[redacted] stated that a German film crew from Germany, consisting of 3 males and one female have been making a documentary on RUSSELL MEANS and Wounded Knee, S.D. This group was on the Pine Ridge Reservation 2/3/74. [redacted] stated that in talking with the woman of the group he learned from her that her company paid RUSSELL MEANS in advance \$2,000 for a press conference which MEANS never appeared for. In addition the same company also paid \$500. to LEONARD CROW DOG to perform an Indian Dance and CROW DOG never performed the dance. [redacted] advised he was of the opinion that this film crew was very dissatisfied with MEANS and CROW DOG.

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[redacted] also advised that on 2/4-5/74, he had been contacted by a [redacted] NBC News who was at Pine Ridge, S.D. when Wounded Knee was occupied. [redacted] indicated to [redacted] that he plans to be on the Reservation 2/6-7/74 to cover the Tribal Election. [redacted] also advised that he has received word from his headquarters that other major news media and TV plan to attend and cover the Reservation Tribal Election.

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[redacted] advised that WILSON has contacted ENOS POOR BEAR and [redacted] to ascertain if they plan to support him in the election. Both POOR BEAR and [redacted] advised they were not supporting WILSON.

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[redacted] advised that he has recently talked with people on the Reservation who were against AIM during the takeover of Wounded Knee, however in recent contacts with these same individuals they have indicated they are going to support and vote for MEANS.

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(Mount Clipping in Space Below)

Campaigning winding up at Pine Ridge

PINE RIDGE (AP) — It was quiet on the Pine Ridge Indian Reservation Tuesday night as things began gearing up for Thursday's Oglala Sioux Tribal election.

Enrolled members of the Oglala Sioux Tribe on the reservation scene of last year's 71-day American Indian Movement (AIM) occupation of the hamlet of Wounded Knee, will elect a new tribal president.

The two candidates for tribal president in the election are incumbent Richard Wilson, and AIM leader Russell Means.

Means, on trial in federal court in St. Paul, Minn., for his alleged part in the Wounded Knee takeover, planned to return to the reservation Wednesday to campaign for his election.

He topped Wilson in the recent primary election. Unofficial totals showed Means with 667 votes and runnerup Wilson with 511.

Tribal members said Wilson had been campaigning intermittently this week on the reservation, and supporters of Means have been campaigning for him.

Campaign posters for both of the candidates are in evidence throughout the sprawling reservation.

A rally and pow wow promoting Wilson's candidacy was to be Wednesday night at Billy Mills Hall in Pine Ridge.

(Indicate page, name of newspaper, city and state.)

Page 17

Rapid City
JOURNAL

Rapid City
SOUTH DAKOTA

Date: Feb. 6, 1974
Edition: FINAL
Author:
Editor: JAMES M. KUEHN
Title:

Character:

or

Classification:

Submitting Office:

☐ Being Investigated

72-6882-981
SEARCHED INDEXED
SERIALIZED FILED

1-70-8448

FEDERAL BUREAU OF INVESTIGATION

Date of transcription February 6, 1974

On January 26, 1974, the following television news films relating to the American Indian Movement (AIM) occupation of Wounded Knee, South Dakota, between February 27, 1973, and May 8, 1973, were made available to the Wounded Knee Legal Defense Offense Committee (WKLDLOC) at the FBI Office, Minneapolis, Minnesota:

<u>NEWS FILM</u>	<u>REELS</u>
CBS	1,2,3
NBC	3,4,5
ABC	1 and 2

On the same date the following representatives of the WKLDLOC appeared at the FBI Office, Minneapolis, Minnesota, and viewed the NBC television news films, partial footage of reels one and two of the CBS television news films, and partial footage of reels one and two of the ABC television news films:



DOUG HALL - Attorney



LEN CAVIS



KEN ENKEL (photographs)

b6
b7C

Interviewed on 1/26/74 at Minneapolis, Minnesota File # MP 70-6832-Sub M
MP 70-6832-Sub P

by SA [redacted] jrp Date dictated 1/31/74

b6
b7C

70-6882-982

(Mount Clipping in Space Below)

Part-Indian FBI agent testifies about surveillance of AIM

ST. PAUL, Minn. (AP) — An FBI agent of Indian blood and looks to match has been called by the government to tell of surveillance of the American Indian Movement (AIM) in western South Dakota.

Stanley Keel, who said he is seven-sixteenths Chickasaw, started his testimony Wednesday in the trial of two AIM leaders, Dennis Banks and Russell Means.

The defendants are accused as leaders of what the government charges was the AIM-led occupation of Wounded Knee, S.D. for 71 days. The 10-count indictment includes burglary, theft, firearms violations, assault of a federal officer and conspiracy.

Keel, wearing a brown suit, shoulder-length black hair and bushy moustache when he took the stand, related his garb when he began surveillance at Rapid City last Feb. 21 was a green ski jacket and brown pants.

He said he and another agent cruised in a car to get the feel of the city and drove by an AIM gathering place, the Mother Butler Center. Keel added these details:

At a 7 p.m. meeting he attended at the center, Banks introduced Means as the "next chief of the Oglala Sioux nation."

Means thanked the crowd for support they'd shown for the American Indian Movement and

furged impeachment of Dick Wilson, president of the Pine Ridge Reservation Tribal Council. The Rev. Richard Bates, introduced as director of the Catholic Center, asserted the church would not stand for racial discrimination, even at the cost of some members.

Court recessed for the day before Keel told of further undercover work.

Defense attorneys earlier challenged the testimony of Ivy Goings, a youthful clerk of tribal court at Pine Ridge who told of record-keeping in her office.

She said she could not recall having spoken with an FBI agent last August, as defense counsel Kenneth Tilsen attempted to show an agent's affidavit indicated she had.

Mrs. Goings, an Oglala Sioux, also could not recall when a certain paper had been inserted in a file she brought to court.

Under discussion was an order reportedly signed on or about Feb. 9, 1973 by Tribal Judge Theodore Tibbetts at the request of Wilson asking for marshals to assist in law enforcement on the reservation.

Two prosecution exhibits and a defense exhibit relating to the file were not formally admitted into evidence and details were not disclosed.

But Tilsen and Larry

Leventhal, who questioned Mrs. Goings, contended such an order was in violation of the Tribe's constitution and bylaws. They said only the 20-man Tribal Council could seek outside law enforcement.

U.S. Judge Fred Nichol did not rule on admissibility of the exhibits but asked counsel for the two sides to submit briefs.

Called by the government to establish that Means and Banks are enrolled members of Indian tribes were Clarence Nelson from Pine Ridge and Edwin Demary of Bemidji, Minn.

Nelson said Means was registered as an Oglala Sioux and Demary, that Banks is a Chippewa from the Leech Lake Reservation of northern Minnesota.

Defense Counsel William Kunstler probed to try to show Nelson had been ousted from the reservation some 20 years earlier. After some preliminaries, Kunstler asked, "Were accusations made against you some years ago?"

William Clayton, U.S. attorney for South Dakota, burst in with one of his many objections Wednesday. He protested that questioning by defense attorneys went far afield from direct examination and was irrelevant.

Nelson said firmly he had not been asked to leave the reservation.

(Indicate page, name of newspaper, city and state.)

19 Rapid City Journal

Rapid City, S.D.

Date: Feb. 14, 1974
Edition: Final
Author:
Editor: James M. Kuo
Title:

Character:
or
Classification:
Submitting Office: Minneapolis
☐ Being Investigated

1-70-6832-Sub K
1-70-6864
① 70-6882
1-157-842
1-157-1506
1-157-1458

70-6882-983
SEARCHED INDEXED
SERIALIZED FILED
FEB 1 1974

(Mount Clipping in Space Below)

Jury, alternate selection over; AIM trial recessed

ST. PAUL, Minn. (AP) — 36-year-old part Indian who said nearly a month after jury selection began, a panel of 12 Wahpeton Tribe in South Dakota.

Nates has been chosen to hear. He was the only one of Indian government charges against two or part Indian blood, so far as members of the American Indian Movement (AIM) was known, among the 135 questioned in 19 days of

After a slate of 11 alternate hearings before U.S. District prospects was lined up Tuesday, Judge Fred J. Nichol.

government and defense attorneys struck three each. Garcia, 32, St. Paul, is on the through challenge without jury of 12.

cause. That left three women. Meanwhile, the case was in and two men, one or more of recess the rest of the week. whom would be moved up to the Means; a candidate for president of the Tribal Council of the full jury in event any has to leave for unforeseen emergency. Oglala Sioux Tribe on the Pine

Russell Means, 34, Porcupine; Ridge Indian Reservation, was S.D., and Dennis Banks, 41, St. Paul, are accused of 10 felony counts including burglary, theft, Wednesday.

Nichol has scheduled an evidentiary hearing Monday into assault of federal officers and firearms violations growing out of the 71-day occupation of a controversial letter purportedly written by ousted AIM member Carter Camp of Wounded Knee, S.D., last year.

One of the six juror candidates stricken by challenge Tuesday while he was in jail at Rapid City was Alton L. Larson of St. Paul, S.D.

Defense counsel says the letter, addressed to AIM members and leadership, is potentially harmful to the Banks-Means case and wants it suppressed.

U.S. Attorney William Clayton, Sioux Falls, S.D., and aides did not hand the letter over to defense counsel until Jan. 29. Lawyers for Banks and Means complain this violated a U.S. District Court directive of last Oct. 16 requiring the prosecution to disclose potential evidence.

Government counsel says the letter was obtained legally and will fight suppression of it as evidence.

Nichol may also hear arguments Monday on a lengthy defense motion seeking dismissal of all charges on grounds, among other things, that many arrests made at Wounded Knee were for the sole purpose of obtaining informers.

At a hearing in Nichol's chambers Tuesday, defense counsel Mark Lane, William Kunstler and Kenneth Tilsen pleaded for Banks and Means to be given a chance to make opening statements in addition to the attorneys.

Though reluctant and wary that the defendants might get into "rhetoric" about treaty rights that would prompt government objection, Nichol said he's permit Banks and Means to speak.

(Indicate page, name of newspaper, city and state.)

Page 17

Rapid City

JOURNAL

Rapid City

SOUTH DAKOTA

Date: Feb. 6, 1974
Edition: FINAL
Author:
Editor: JAMES M. KUEHN
Title:

Character:

or

Classification:

Submitting Office:

☐ Being Investigated

SEARCHED INDEXED
SERIALIZED FILED

b6

b7C

1-70-6864

Banks, Means to make statements

ST. PAUL, Minn. (AP) — Defendants Dennis Banks and Russell Means, leaders in the American Indian Movement (AIM), get their chance to make opening statements Tuesday on what the protest-occupation of Wounded Knee was all about.

Like the marathon 71-day occupation from Feb. 27 to May 8, the trial has exhibited some of the same tedious elasticity.

Starting Jan. 8, it took 19 days to pick a jury of nine women and three men, plus three women and two men alternates.

A day-long hearing Monday on a defense motion to suppress a disputed letter threatened to spill over into Tuesday's scheduled startup. Twice, U.S. District Judge Fred J. Nichol prodded defense counsel to get on with the session.

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The letter—contents of which have been kept private—purportedly was written Sept. 5 by Carter Camp, Stillwater, Okla., from jail at Rapid City. However, Camp, who has fallen from AIM graces and was ousted last week, has denied writing the message, addressed "to all AIM members and leadership."

Defense counsel claims U.S. attorneys got the letter illegally and complained that a copy of it wasn't delivered to them until Jan. 29. Kunstler said this violated an Oct. 16 District Court order providing the defense should be given access to certain evidence to be introduced at the trial. Hurd says government lawyers received the letter only four days earlier, Jan. 25.

(Mount Clipping in Space Below)

(Indicate page, name of newspaper, city and state.)

Page 2

Rapid City
Journal

Rapid City,
South Dakota

Date: Feb. 12, 1974
Edition: Final

Author:
Editor: JAMES M. MUEHNS
Title:

Character:

or

Classification:
Submitting Office:

☐ Being Investigated

SEARCHED INDEXED
SERIALIZED FILED

FBI - MINNAPOLIS

70-6882-985

F B I

Date: 2/15/74

Transmit the following in PLAINTEXT
(Type in plaintext or code)Via TELETYPE NITEL
(Priority)

TO: DIRECTOR, FBI
ATTENTION: INTELLIGENCE DIVISION

FROM: SAC, MINNEAPOLIS (157-1460) (P)

RUSSELL CHARLES MEANS, EM - AIM. OO: MP.

ON FEBRUARY 14, 1974, [REDACTED]
[REDACTED] POLICE DEPARTMENT, PINE RIDGE, SOUTH DAKOTA, FURNISHED
THE UNOFFICIAL FINAL TABULATION FOR VOTES IN THE TRIBAL
PRESIDENTIAL ELECTION HELD FOR THE OGLALA SIOUX TRIBE, PINE
RIDGE, SOUTH DAKOTA, ON FEBRUARY 7, 1974, BETWEEN CANDIDATES
RUSSELL CHARLES MEANS, MEMBER, AMERICAN INDIAN MOVEMENT
NATIONAL CENTRAL COMMITTEE, AND CURRENTLY ON TRIAL, USDC,
ST. PAUL, MINNESOTA, ON CHARGES CONNECTED WITH HIS PARTICIPATION
IN THE OCCUPATION OF WOUNDED KNEE, PINE RIDGE INDIAN RESERVATION,
SOUTH DAKOTA, FEBRUARY 27- MAY 8, 1973; AND RICHARD WILSON,
INCUMBANT PRESIDENT. MEANS RECEIVED 1514 VOTES, AND WILSON
RECEIVED 1714 VOTES.

3 - Minneapolis (157-1460)

(1) - 70-6882)

(1 - 70-8448)

RHW:wkb

(3)

wkb

70-6882-986

Approved: _____ Sent _____ M Per _____
Special Agent in Chargeb6
b7cb6
b7c

F B I

Date:

Transmit the following in _____
(Type in plaintext or code)Via _____
(Priority)

MP 157-1460

PAGE TWO

ON FEBRUARY 13, 1974, GEORGE TENNYSON, U. S. MARSHAL, SIOUX FALLS, SOUTH DAKOTA, ADVISED THAT HE HAD RECEIVED AN ORDER TO SHOW CAUSE, WHICH WAS SIGNED BY FEDERAL JUDGE ANDREW W. BOGUE, RAPID CITY, SOUTH DAKOTA, FEBRUARY 12, 1974, AND THAT IN COMPLIANCE WITH THIS ORDER HIS OFFICE, ON FEBRUARY 13, 1974, SEIZED ALL THE BALLOTS, RECORDS AND PAPERS PERTAINING TO THE PINE RIDGE INDIAN RESERVATION GENERAL TRIBAL ELECTION HELD ON FEBRUARY 7, 1974. HE STATED THE ORDER STATES SUCH RECORDS ARE TO BE KEPT UNTIL THE COURT HOLDS A FURTHER HEARING ON THE MATTER ON FEBRUARY 20, 1974, AT RAPID CITY, SOUTH DAKOTA.

ADMINISTRATIVE:

THE BUREAU WILL BE KEPT ADVISED REGARDING DEVELOPMENTS PERTAINING TO AFOREMENTIONED ELECTION RESULTS.

END.

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

On January 29, 1974, MATHEW KING, Kyle, South Dakota, was telephonically contacted by Special Agent [redacted] regarding a threat on the life of RUSSELL MEANS and KING furnished the following information:

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On Saturday, January 26, 1974, a meeting was held in Kyle, and RUSSELL MEANS was to attend. By 7:00 p.m. that night MEANS had not arrived and the meeting was ended. Later that night KING called TED MEANS, Rapid City, South Dakota, who told him that there was some trouble at the airport when RUSSELL MEANS arrived but KING did not have any of the details concerning this. [redacted] who is presently in St. Paul, Minnesota, also told KING that there was trouble at the airport, but was not specific.

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b7C

KING denied having any knowledge of any threats on the life of RUSSELL MEANS and he also denied calling Senator ABOUREZK's Office reporting such a threat. According to KING, he is working with members of the U. S. Government reviewing Indian treaties, and in connection with this position, much information concerning Indians' problems comes to him and a lot of it is rumor. Also, since he is well respected, a lot of information is credited to him, some of which he may never have heard.

KING did admit speaking with somebody in ABOUREZK's Office, but he did not place the call and somehow was, unknown to him, connected with the office.

KING added that [redacted] Colorado, [redacted] had told him that ABOUREZK's Office was to call KING, so she may have some knowledge of this.

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b7C

In connection with his treaty position, KING claims to be in telephone contact with the following persons:

LEONARD GARMENT, Presidential Advisor;

[redacted]
Mr. HELLSTERN, one of the Government negotiators during Wounded Knee;

b6
b7C

Mr. FRIZZEL, one of the Government negotiators during Wounded Knee;

WAYNE COLBURN, Director, U. S. Marshal Service;

Senator EDWARD KENNEDY;

Senator HUBERT HUMPHREY;

Senator JAMES ABOUREZK.

2/19/74

AIRTEL

AIRMAIL

TO: DIRECTOR, FBI (176-2401)
FROM: SAC, MINNEAPOLIS (70-6882) (P)
SUBJECT: RUSSELL CHARLES MEANS
CIR - BURGLARY
ET AL
OO: MINNEAPOLIS

Re WFO airtel to Director, dated 1/30/74.

Enclosed for the Bureau are five copies of an LHM captioned and dated as above.

Enclosed LHM concerns alleged threats to the life of subject as outlined in WFO LHM on 1/30/74.

No additional investigation in this matter being conducted in the Minneapolis Division.

2 - Bureau (Encs. 5)
4 - Minneapolis
 (1-70-6832)
 (1-157-1460)
DTD/mjs
(6)

DTU
Haley
70-6882-988

70-6882

Minneapolis, Minnesota

February 19, 1974

RUSSELL CHARLES MEANS

Reference is made to letterhead memorandum at Washington, D.C., dated January 30, 1974, concerning alleged threats to the life of Russell Charles Means.

On January 29, 1974, Mathew King, Kyle, South Dakota, was telephonically contacted by Special Agent [redacted] regarding a threat on the life of Russell Charles Means and King furnished the following information:

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b7C

On Saturday, January 26, 1974, a meeting was held in Kyle, and Russell Means was to attend. By 7:00 PM that night Means had not arrived and the meeting was ended. Later that night King called Ted Means, Rapid City, South Dakota, who told him that there was some trouble at the airport when Russell Means arrived, but King did not have any of the details concerning this. [redacted] who is presently in St. Paul, Minnesota, also told King that there was trouble at the airport, but was not specific.

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King denied having any knowledge of any threats on the life of Russell Means and he also denied calling Senator Abourezk's Office reporting such a threat. According to King, he is working with members of the United States Government reviewing Indian treaties, and in connection with this position, much information concerning Indians' problems comes to him and a lot of it is rumor. Also, since he is well respected a lot of information is credited to him, some of which he may never have heard.

King did admit speaking with somebody in Abourezk's Office, but he did not place the call and somehow was unknown to him, connected with the office.

5 - Bureau (176-2401) () JCK/mjs
4 - Minneapolis (70-6882) (9)
(1-70-6832)
(1-157-1460).

RUSSELL CHARLES MEANS

On January 29, 1974, Special Agent [] at 11:35 AM telephonically contacted [] at the Office of the Wounded Knee Offense/Defense Committee, Sioux Falls, South Dakota.

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Special Agent [] advised that information had been received that a threat allegedly was made against Means of which she had knowledge and the Federal Bureau of Investigation (FBI) was interested in securing the facts in this matter if she had any information of value to offer. She advised Special Agent [] to hold the line and put the telephone on "hold" for several minutes. When she returned to the telephone she said the information received was from "people calling in". She did not receive information concerning the threat "directly". Special Agent [] inquired about who the people were and where they were calling from and she would not reply except to say "our people on the outside". She declined any further comment and gave no indication as to additional information she would provide or when. She then terminated the conversation.

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This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

TO: SAC, MINNEAPOLIS

FROM: SA [REDACTED]

Date prepared

2/13/74

b6
b7C
b7D

Date received

2/9/74

Received from (name or symbol number)

Received by

SA [REDACTED]

Method of delivery (check appropriate blocks)

☐ in person

☒ by telephone

☐ by mail

☐ orally

☐ recording device

☐ written by Informant

If orally furnished and reduced to writing by Agent:
Date

Dictated

Transcribed 2/15/74

Authenticated
by Informant

Date of Report

2/9/74

Date(s) of activity

Current

Brief description of activity or material

File where original is located if not attached

* INDIVIDUALS DESIGNATED BY AN ASTERISK (*) ONLY ATTENDED A MEETING AND DID NOT ACTIVELY PARTICIPATE.
VIOLENCE OR REVOLUTIONARY ACTIVITIES WERE NOT DISCUSSED.

☐ Information recorded on a card index by _____ on date _____

Remarks:

12 - Minneapolis [REDACTED]
(1 - 70-6864 DENNIS BANKS)
(1 - 157-846 " ")
(1 - 70-6869 CARTER CAMP)
(1 - 157-1506 " ")
(1 - 157-1475 ST. PAUL AIM)
(1 - 157-1460 " ")
(1 - 157-2579 JOHN TRUDELL)
(1 - 157-3579 SIOUX HEADSMEN)
(1 - 157-3592 NAT'L AIM DEMOS)
(1 - 157-2960 [REDACTED])

2 - New York (100- [REDACTED])

2 - Omaha [REDACTED]

4 - Oklahoma City [REDACTED]

(2 - 157- [REDACTED])

(2 - 157-1521 JOHN TRUDELL)

[REDACTED] wkb

(20) [REDACTED]

Block Stamp

70-6882-989

SEARCHED	INDEXED
SERIALIZED	FILED
FBI - MINNEAPOLIS	

February 9, 1974

The CARTER CAMP letter which was recently turned over to the Defense Counsel in U. S. District Court, St. Paul, Minnesota, by the prosecuting U. S. Attorneys. The defense has stated that an FBI Agent by the name of [redacted] gave Defense Attorney [redacted] for CARTER CAMP and that [redacted] had turned the letter over to the FBI. As a result of this and the Anadarko, Oklahoma incident, all of CAMP's followers have been purged from AIM.

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AIM people in St. Paul, Minnesota, think the FBI is surveilling the St. Paul, Minnesota AIM Headquarters, 533 Aurora Avenue, from two nearby condemned and abandoned houses. Several AIM people want to surround the houses and, with reporters present, expose the FBI and their techniques.

DENNIS BANKS and RUSSELL MEANS are at Albuquerque, New Mexico. They will return to St. Paul, Minnesota, Sunday night, February 10, 1974.

Seventy-five - eighty Sioux Indian traditional people will arrive at St. Paul, Minnesota, from Pine Ridge, South Dakota, on February 10 or 11, 1974. These individuals will be given a welcome dinner at 8:30 p.m., February 11, 1974, by St. Paul Mayor LAWRENCE COHEN.

The National Council of Churches is working with AIM for worldwide demonstrations on February 27, 1974.

The demonstration at the St. Paul, Minnesota, Courthouse planned for February 12, 1974, is planned to last about 20 minutes and is to be a peaceful demonstration.

JOHN TRUDELL is presently in New York City with

[redacted] by AIM for February 27, 1974. The demonstrations are to occur at noon, local times. Demonstrations are expected in France, Turkey, and Mexico City.

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There has been some recent talk by AIM people that weapons are to be brought in for use of AIM in the event they may be needed. There has been no talk relative to specific need or use for such weapons.

[redacted] reportedly has been negotiating to purchase weapons for AIM.

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b7c

Efforts will continue to obtain any and all information relative to any weapons which may be obtained by AIM.

Bury My Heart at a Southside Motel

THE ATLANTA
Journal and

Constitution

FEBRUARY 10, 1974

MAGAZINE

COPIES TO:

10-6364
10-6882
157-1460
157-846

Page 1 -

ATLANTA JOURNAL
& CONSTITUTION
ATLANTA,
GA.

DATE: 2/10/74
EDITION: SUNDAY
AUTHOR: HENRY WOOD-
EDITOR: HEAD
TITLE:

CHARACTER:
OR
CLASSIFICATIONS
OFFICE:

157-1458-A-
70-6882-990

FBI-ATLANTA

By Henry Woodhead

LEVI Walker Jr. did not fit in. He wandered through the motel ballroom for a while on the periphery of all the conversations, with no one to talk to, his hands jammed into the pockets of his navy blue windbreaker. Walker is an American Indian, a Chippewa, and as such, he had plenty of company on this particular day at the Ramada Inn in southside Atlanta. But while he was among them, he was not of them. To the more militant of the Indians who with their guests occupied the entire sixth floor of the motel, Levi Walker Jr., who is the mascot for the Atlanta Braves baseball team and whose working name is Chief Noc-A-Homa, was persona non grata. He was worse than that. In their eyes, he was the red man's version of Stepin Fetchit, an unfunny clown who danced for the white man outside a fake teepee near the left field foul pole at Atlanta Stadium. For no more than this, Russell Means three years ago sued the Cleveland major league team.

"The Cleveland Indians had this character they called Chief Wahoo, yeah, that's right, Wahoo," Means said, fairly spitting at the utterance of the name. "I sued them for \$9 million to stop it, to try to point out the inherent racism of that caricature. The next year they didn't have Chief Wahoo on their letterheads anymore. And you wouldn't believe the racist letters I received when I invaded the sanctity of American sports."

Russell Means, 34, is an Oglala Sioux from the Pine Ridge Reservation in South Dakota. He wears his coal black hair in two braids which are wrapped in rawhide. He has a nasty scar running on the ridge of his left eyebrow, which makes him seem angrier than he really is, which is very angry. When he talks he has a habit of twisting his mouth and sniffing hard, pug-style, as if to indicate his disdain for the subject at hand. He went on trial last month in St. Paul, Minn., for alleged offenses arising from the takeover last spring of Wounded Knee, a village on his home reservation.

Means and Dennis Banks, a Chippewa, were in the vanguard of the militants who kept the U. S. government out of Wounded Knee for 71 days, and they are the first of some 100 Indians who will be tried in federal court for their participation in the occupation of the village.

During the trial, the militant Indians will contend that it was the U.S. government, and not the Indians, who were trespassing at Wounded Knee. They will offer evidence to show that the government has through history consistently violated all its treaties with the Indians, leaving them destitute under the heavy thumb of the Bureau of Indian Affairs.

In order to defray the cost of what promises to be a very lengthy and expensive trial, Banks and Means came to Atlanta recently to hold a "legal seminar" and to stage a 12-hour concert at the Omni to benefit their organization, the American Indian

Movement. Around them for several days was a retinue of attorneys, Indian musicians, entertainers, volunteer workers, and those who explained their presence simply by saying that they were "into" Indians.

Sacheen Little Feather was there, waiting in the lobby, having just arrived from the Coast. Miss Little Feather gained a measure of fame by refusing on behalf of Marlon Brando to accept his Oscar at the Academy Awards to protest the poor film image of the American Indian. She went on to a nude spread in Playboy. "I came to decorate the living room," she said, smiling. "No, actually I'm just waiting here for an Indian to carry my bag."

MISS Little Feather was being a bit flip, but among some of the white people associated with AIM on this occasion there was an attitude of devout self-deprecation, as if the time for atonement had arrived. Troy Donahue, the actor, was almost contrite as he described his recent conversion to the cause of Indian rights. Donahue, according to Dennis Banks, "had once been part of the problem, and now he is trying to be part of the solution."

Donahue laid on a solidarity handshake—forearms up, hands gripping in the Indian wrestling position—and commenced to confess: "In 1965 I did a motion picture called 'A Distant Trumpet,' and it was one of those cavalry versus the Indian things. There were 500 Navaho they had gotten off

the reservation to work in the picture. The going rate for an extra was \$23 a day. But they paid the Indians \$3.12 a day.

"We were filming out on the desert, so every night the cast and crew—other than the Indians—were taken home in limos or luxury buses. The Indians were left to make their own home on the desert. For their supper, they had the left-over lunch provided by the white man. They were expected to be there in the morning when the crew arrived, and they always were," Donahue said. "It's taken me nine years to realize I haven't done anything to help the American Indian."

"Now maybe I can learn and set an example—if I can learn—for other white men. . . ."

For his willingness to learn, Donahue, it was announced that day, had been appointed AIM representative to the movie industry "for the establishment of positive image values for all Indians through such media."

The marquee of the Ramada Inn said WELCOME AIM, and inside the motel resembled the Gallup, N.M., bus station on a Friday night: Indians were everywhere. On the sixth floor, sequestered with lawyers and planning legal strategy for the upcoming trial. Lounging in the lobby. On the phones lining up acts for the benefit concert. Striding purposefully through the halls, looking for someone who was looking for someone.

The Indians wore wide leather belts with big buckles and tunics draped with ribbon, beaded chokers and blue jeans and bright printed shirts. Many favored heavy

Indian rings, and on a table outside the ballroom was authentic Indian-made silver and turquoise jewelry, which was not selling well because it was very expensive.

On the sixth floor, a beefy, black security guard sat peering at the elevator to weed out those who had not been given "sixth floor clearance," and he rose quickly when a disoriented radio reporter emerged, looking desperately up and down the hall for Troy Donahue. Joe Saddle Blanket okayed the reporter and summoned Donahue. Joe Saddle Blanket was "running security."

"Troy! Keina!" Saddle Blanket shouted down the hall. "That means come here," he explained. "I'm trying to teach Troy how to talk Indian." Troy came immediately.

SADDLE Blanket, 37, half-Koia and half-white, is the Southern Coordinator for AIM. He and John Gidley, 25, an Assiniboine Sioux, together run the regional headquarters of AIM on Juniper Street in Atlanta. Gidley was promoting the benefit concert, his first.

"When this concert comes off, we're going to have a lot of sycamores in this area saying, 'We're sorry, we'll help,'" Saddle Blanket (Continued on Page 13)

Joe Saddle Blanket was running security

(Continued From Page 7)

said. "We're depending on the honesty of the non-Indians."

"Sycamore" is an Indian word meaning "friend of the Indian," Saddle Blanket said, and included in that category were people like Donahue, Burt Reynolds, and the other entertainers and musicians who had agreed to appear for nothing. Not included in that category was Cher Bono.

"Sonny and Cher, with that half-breed song, are making millions off the Indians, but when you ask her to do a concert it turns out she's Fench or something," Saddle Blanket muttered.

"And as soon as it was fashionable," said Gidley, whose tribal name is War Pony, "she became an Indian."

Also not numbered among sycamores was an Atlanta radio call-in show host who, according to Saddle Blanket, "gets on that radio and talks about Indians raping and

plundering and pilfering. I'd invite that jerk to any kind of confrontation he can choose. He's nothing but a red-necked, sword-rattling, babbling-mouthed fool."

JOE Saddle Blanket had a new tomahawk. It looked like an ordinary hatchet for chopping wood for the campfire, but its appearance was deceiving, Saddle Blanket indicated. Its brand name was Norland.

"The Norland is a real good balanced little tomahawk, about the best balanced tomahawk in the world," Saddle Blanket said, balancing the hatchet on his right hand index finger. A lapel pin on Saddle Blanket's shirt testified to his claim that he won a major tomahawk-throwing competition. He is also something of a whiz in the martial arts, he said.

"Well, I've got some security to run," Saddle Blanket continued. Security for the

visiting Indians has been fairly tight since their first day at the motel, when a man walked through the lobby armed with no less than a shotgun, a rifle and a pistol.

ALTHOUGH it was not determined whether the man had a grudge with the Indians or was seeking his wife's lover or exactly what, the weapons were confiscated, and security tightened up, War Pony related.

While a rock group called Flood was tuning up in the ballroom for a press party ("We've played for free for Bangladesh, the Jewish immigrants, the Boy's Home, your name it," said their road manager), Russell Means sipped a beer in the Ramada Inn bar and explained why AIM chose Atlanta for the marathon benefit concert. It had to do with money.

"When we were inside Wounded Knee, everybody was ripping us off in the name of the American Indian. Indian charities were springing up left and right in L. A. and New York City, and they raised between \$200,000 and

(Continued on Page 17)

Endicrow (Continued From Page 13)

\$500,000. We never saw the money. They were all phony. And because of these phonies a lot of the money markets got pumped dry, and it really hurt us.

"During the first couple of weeks at Wounded Knee, when all the attention was focused on us, 19 Indian boutiques sprang up in New York City, and 13 Indian boutiques sprang up in the hip section of Philly . . . I've been to New York," Means said with disgust. "It's just a bunch of damn cocktail parties and brunches . . ."

While the South, and more particularly Atlanta, has not been stylishly Indian-conscious, it has been quietly magnanimous toward the Indian Movement, Means indicated. "This is my fourth trip to Atlanta, and I've gotten a good response every time."

(Earlier, Dennis Banks had said that people in the Southeast had provided "tremendous support," not only during Wounded Knee occupation, but before, sending donations of food and clothing and providing technical and financial assistance. And too, AIM had come to Georgia because of a historically significant event, Banks said. "The Trail of Tears began right here in your state after President Jackson refused to abide by Supreme Court order and forced the Cherokee and Creeks to march to Oklahoma, at a cost of 10,000 lives.")

AT any rate, here they were, expecting to cram the Omni with sycamores willing to part with at least \$4.50 per person for 12 hours of music and the sight of Burt Reynolds and Yoko Ono and Sachie Little Feather. And that night, John War Pony, the neophyte promoter, was already dreaming of staging the

most significant concert ever, right smack in the middle of Wounded Knee, the seat of Indian liberation.

But first, there were the press conference and the legal symposium, featuring Means and Banks and the AIM lawyers, including Mark Lane, who wrote a book promoting the conspiracy theory of President Kennedy's assassination, and William Kunstler, who defended the Chicago Seven.

The U.S. government, through its Bureau of Indian Affairs, has virtually controlled the lives of American Indians for the past 100 years, denying the native American those freedoms that the founding fathers wrote into the Constitution: the freedom of speech, travel and worship, Banks said. The B.I.A., therefore, is a colonial government especially for the Indians.

WHILE some tribes have been able to hang onto their lands and retain their rich cultures, others have experienced a dispossession of natural resources and the devastation of spirit, he continued. The U.S. government, through the past two centuries, has signed more than 400 treaties with the American Indians, and it has broken every one of them. It has engaged in a "machinery of lies."

Mark Lane, the lawyer, put it even stronger. What has come to be known as "The Winning of the West," he said, was in fact the practice of genocide against the Indians. "Our nation was founded on genocide."

The white man, said Russell Means, has made an unholy mess of a land that the Indians treated with gentleness and respect. The Indian did not have the problems of welfare lines, and

energy crisis and pollution because their religion told them that they were no better than "any living thing." But the white man defiled the land, and hence he is called by the Indians a name meaning "he who steals the fat."

"AIM is saying no, Uncle Sam. Uh uh. And all the rest of you. You're not going to walk through our country," Means said at one point.

MEANS and Banks make a study in contrasting styles. Inside Means a lot of sharp juices have been stewing, and he does not hesitate to let those he considers the oppressors know about it. Some in AIM have recognized this for its questionable public relations value, and on occasion they wince at Means' more vitriolic pronouncements.

"Stay away from Russell Means, would you?" one AIM member asked a journalist. "He's liable to make some asinine statement. I love Russell Means, but he might just get up and say something like 'I hate all white people.'"

"If we could get a muzzle that looks like an Indian mouth, I hope we can put it on Means for the duration of the trial," this AIM member said.

Banks, a handsome, sad-faced man, on the other hand, speaks quietly and deliberately and slowly, and is not given to flammable rhetoric.

He is likely to say something on this order: "We're going to rely on our attorneys to bring about the most significant change in relations between the American Indian and the American government in modern times . . ."

And Russell Means is likely to say: "They tell me that the father of my country is George Washington. Well no father of my country had wooden teeth and wore bloomers and a wig and high heel shoes."

Or: "We don't want all our land back. You can have Cleveland and Los Angeles and Chicago."

Or: "There is a beautiful example of racism right here in your own Atlanta Stadium. Chief Noc-A-Homa. That's an insult! Calling him a chief, which is a high honor."

Chief Noc-A-Homa did not hear this remark, but later, when he showed up at the party thrown by the Indians

and, wandered alone in the crowd, he seemed bewildered when confronted with the knowledge that he was not exactly held in the highest esteem by the American Indian Movement.

"I'd like to know who's say-

(Continued From Page 17)

ing these things, because I want to confront my opponents face to face," the Chief said. "In 1972 I spoke to 230,000 people, at schools and civic clubs; 1973 is not yet determined. I want to present to them that an Indian can be educated and can compete in this society now where 100 years ago he couldn't. There are lots of things I'm for in the Indian movement, but I have my personal feelings as well."

Wherever he goes, the Chief said, he shows a movie, a B.B.C. documentary called "The Pride and the Shame," which focuses on the dismal living conditions at the Rosebud Sioux reservation. "This movie is the way I really feel. Whenever I show it, the people want to know what they can do for the Indian. I tell them to just be aware of the Indian problems. I can't say send your millions of dollars . . .

"This is the first chance I've had to be close to AIM. Their goals are the same as mine. We're just traveling on different paths."

IN the bar of the Ramada Inn, a silver haired Atlanta matron joins her 22-year-old daughter for a cocktail. The daughter is a volunteer for AIM and the mother has dropped by to size up the Indians. Hoisting her glass of rose, the mother says, "Well here's to the American Indian Movement. But I didn't see one single Indian out there directing that awful traffic. It must be all chiefs and no Indians around here." And everyone at the table wears a strained smile.

The daughter explains her motivation for volunteering

her services to the Indians: "I know I can't change the world, but if I could start just one little chain reaction, if I can help just a little bit . . ." She says also that she is trying to learn.

The Indians and their friends were not prepared for what transpired at the Omni the following day, and the least prepared of all was John Gidley, the promoter. The break-even point was \$30,000. The concert was scheduled to start at 1 p.m. but the first music was played at 5 p.m. The sound system gave recurring problems, but there was no one there to hear it. In a cavernous coliseum designed to seat 15,000 people, the Indians had garnered about 300. They were scattered about like an afterthought to emptiness, and they made not the slightest dent in \$30,000.

Burt Reynolds, somewhere in Florida, had decided not to come after all. Yoko Ono, on the West Coast, said she would have been glad to come but her band had balked, and what could she do without her band? And the most exclusive act of all had been nipped in the bud by the Omni insurance regulations. Bob Ward, the Omni said, could positively not attempt to jump his motorcycle over over an Indian rock group while they were playing on the Omni stage.

Tempers were wearing thin, faces were long. Gidley, after one by one the big names canceled out, asked plaintively: "Does anybody have a spare bullet?" He meant for shooting himself.

After three hours of waiting, the hapless spectators, even those who had the foresight to bring along a paperback book, were getting restless. Sacheen Little Feather remained sequestered in her

dressing room, being interviewed by a intense young man who was dressed as a lumberjack. Miss Little Feather agreed that between the whites and the Indians, a bridge of understanding must be constructed.

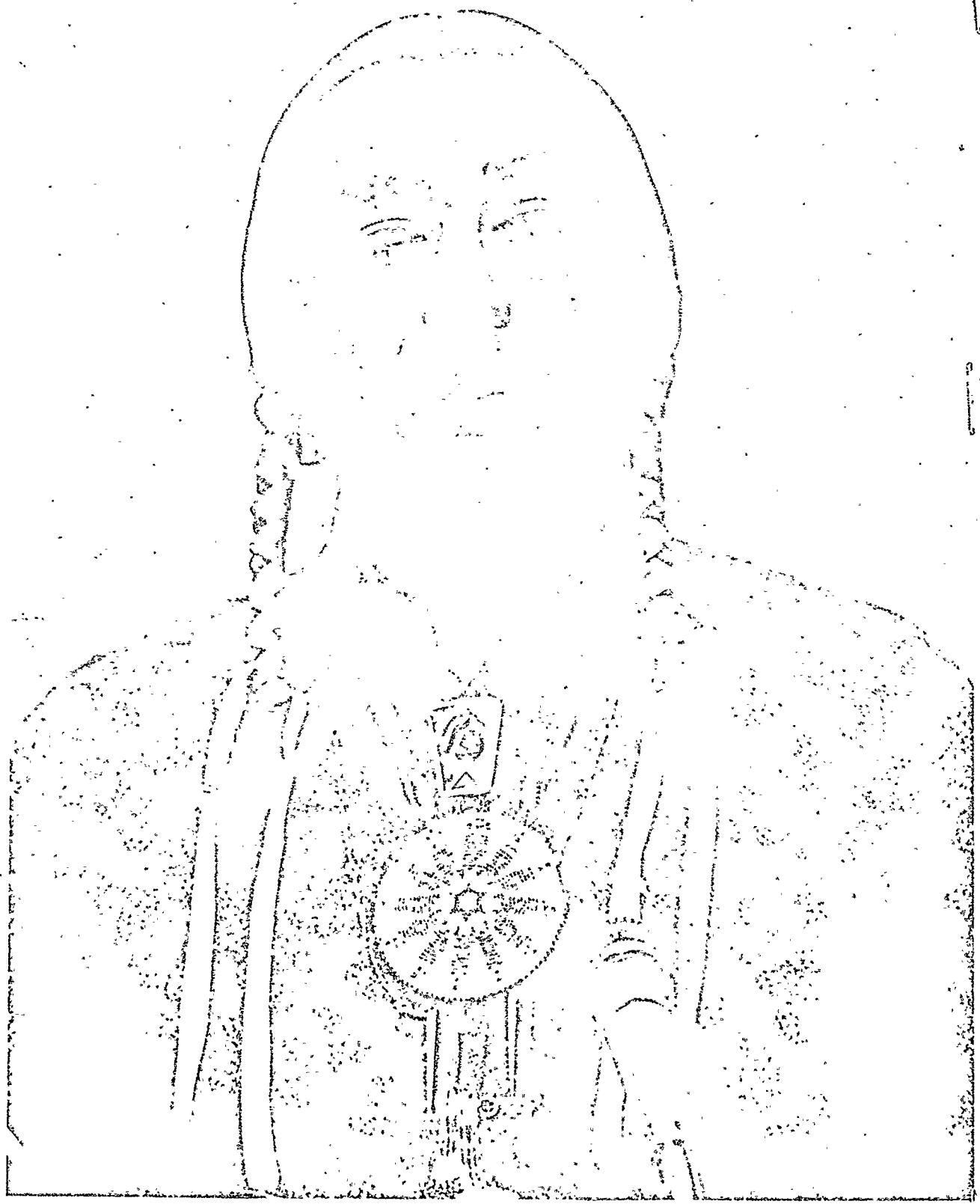
"You have to build a bridge, because if you don't you'll fall into the ravine and . . . and break your neck," she said.

Donahue suddenly burst into the dressing room and announced angrily: "If I hear anybody say that the Omni is ripping us off, he's going to have to answer to me, and I'll know who said it."

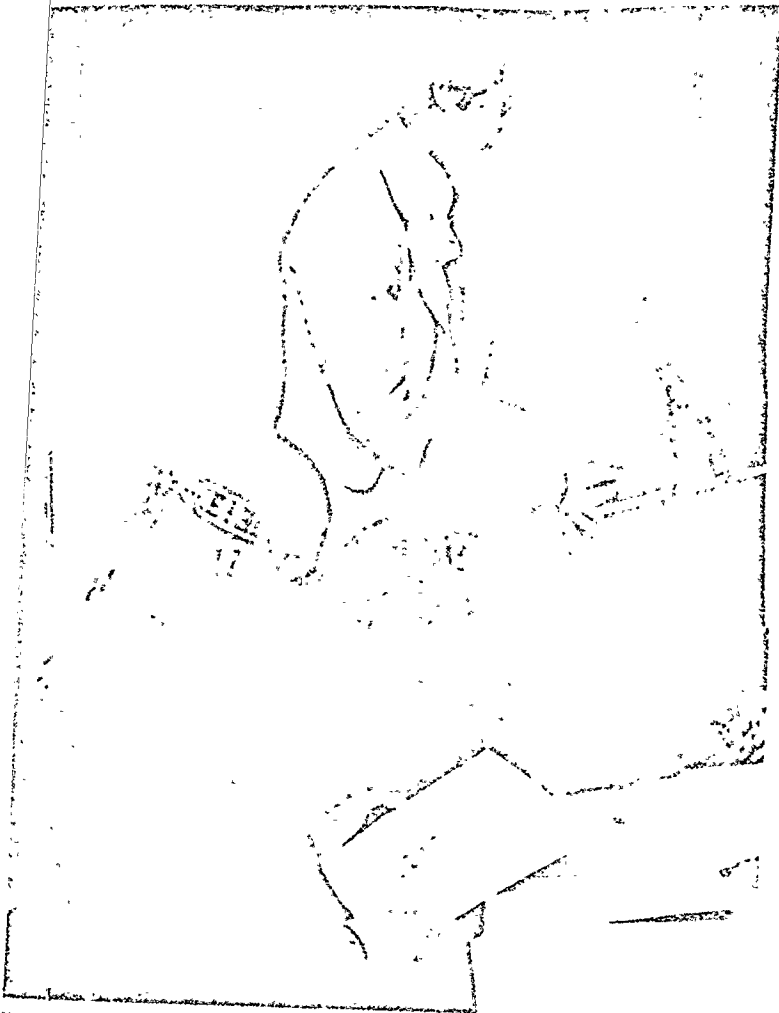
Everyone else stared at Donahue, and Sacheen Little Feather said, "Well, I sure won't say it."

LATER Donahue, as the ranking personality, addressed the itchy scattering of spectators. He spoke in a low, reverent voice and he said, in part, "There aren't many people here. But the people who are here I guess are here because they want to be here, and that in itself is a beautiful thing . . ."

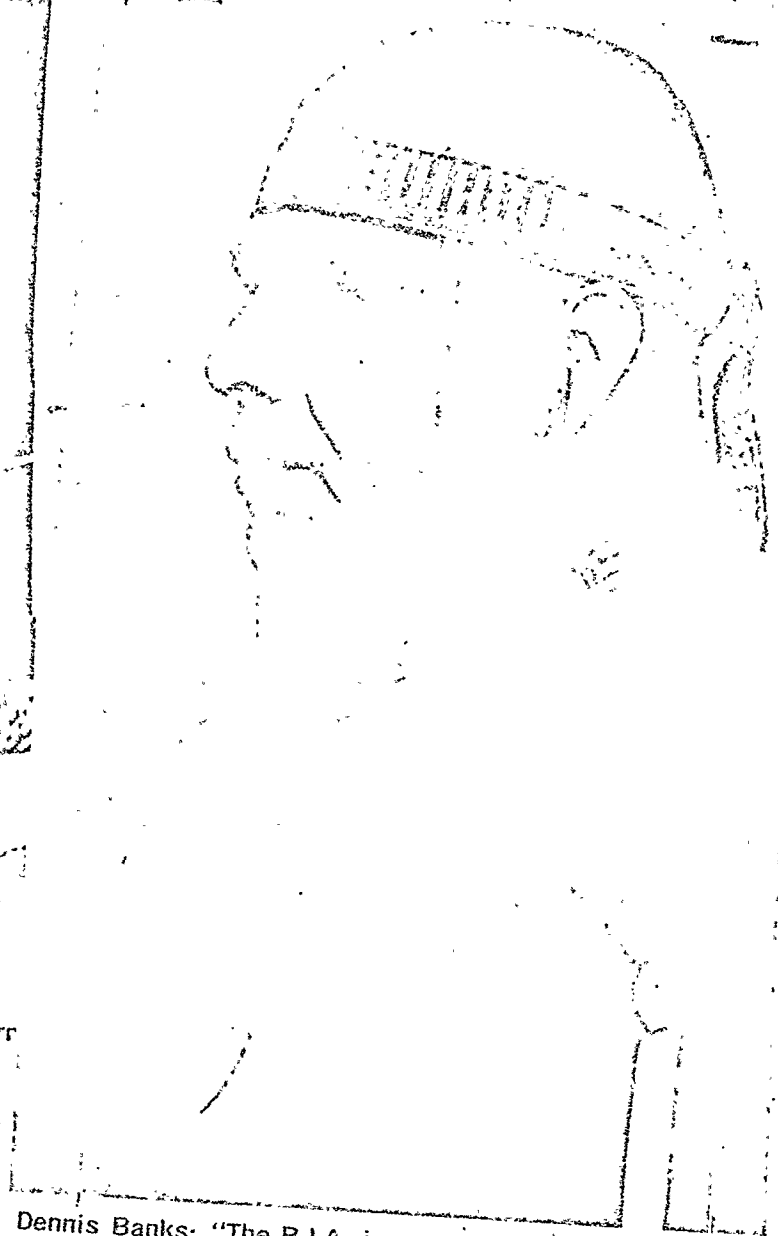
As he left the stage, he heard coming plainly from the upper tier of seats a series of derisive Indian-style yips. The intent of these yips was unmistakable, and Donahue whirled around and planted his feet and narrowed his eyes and stared hard at the perpetrators. He seemed on the verge of leaping the retaining wall, swarming into the seats and doing battle, like a hockey player. The yips continued and he stood there helplessly, staring at the faceless people who mocked the proceedings and broke the solemnity. There was no question about it. They were not trying to learn



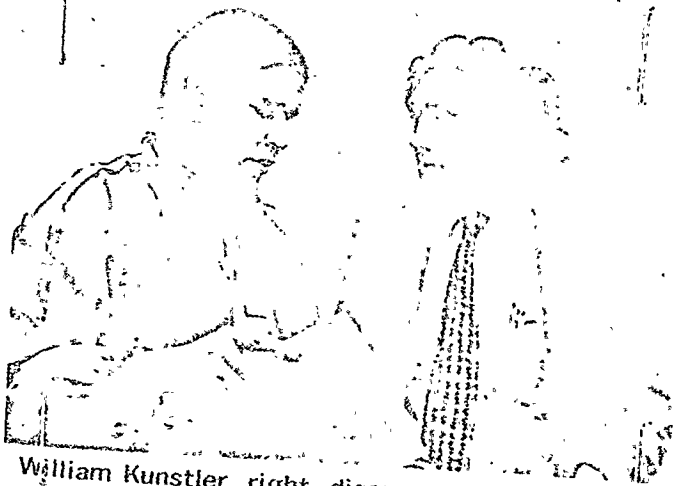
Russell Means: "We don't want all our land back. You can have Cleveland and Los Angeles. . . ."



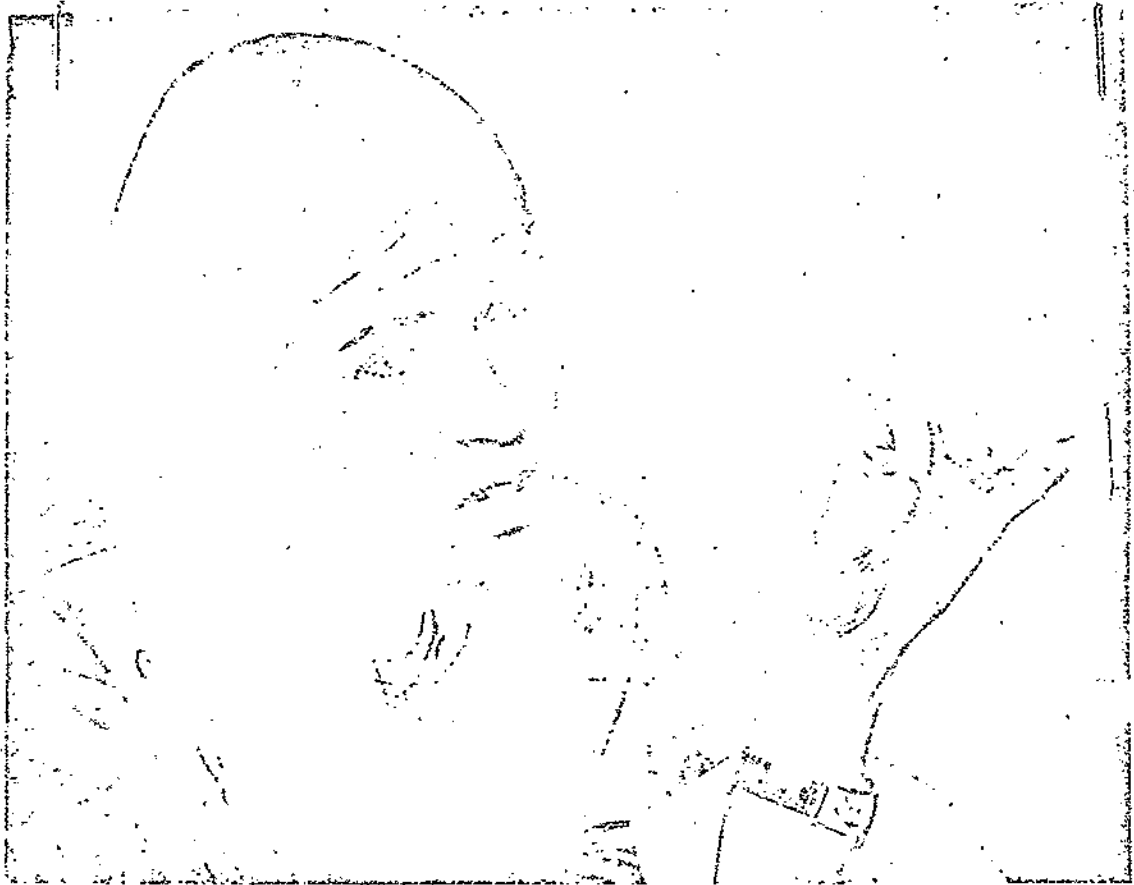
Troy Donahue, at the rostrum, expressed a desire to learn



Dennis Banks: "The B.I.A. is a colonial government."

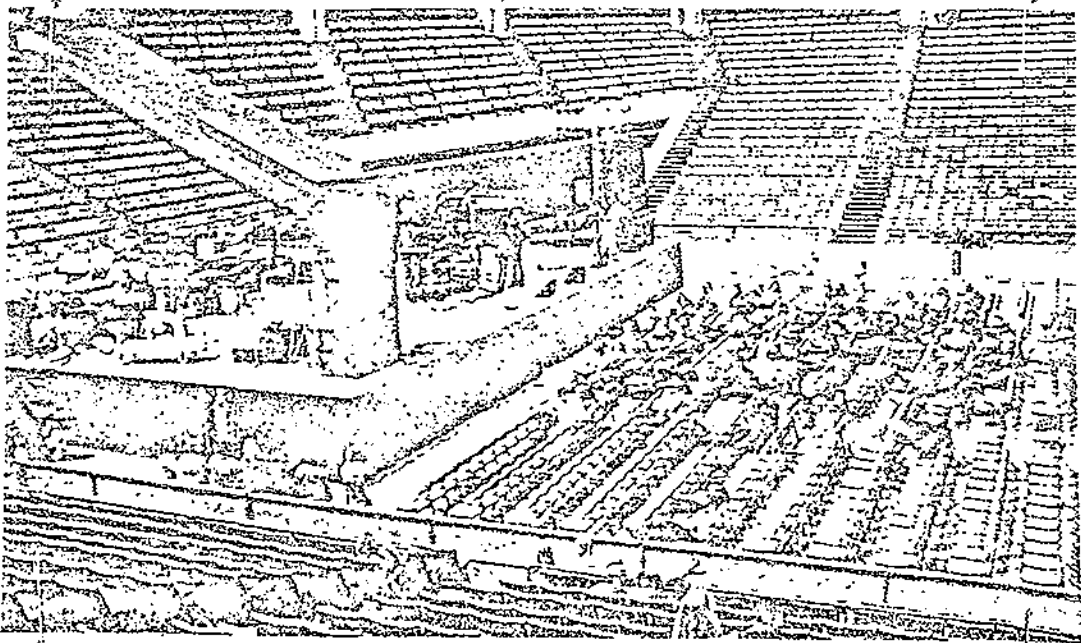


William Kunstler, right, discusses trial strategy.



Sacheen Little Feather said she came to Atlanta to "decorate the living room."

Photography by Steve Deal



At the Omni, it was not a good day for sycamores. The Indians wore long faces.

(Mount Clipping in Space Below)

AIM trial prosecution team has varied experience

ST. PAUL, Minn. (AP) — The man heading the prosecution team in the trial of American Indians Russell Means and Dennis Banks draws on a variety of experience.

William Clayton, 50-year-old native of Charles City, Iowa, was a practicing attorney at Sioux Falls seven years after being graduated from the University of South Dakota Law School in 1951.

He served three terms as states attorney of Minnehaha County, at Sioux Falls, and was in the South Dakota House of Representatives some three years before resigning in May 1969 to become U.S. attorney for South Dakota.

Later that year, two aides who are helping prosecute the Means-Banks case, joined that office. They are Richard D. Hurd and David Gienapp, native South Dakotans who have spent most of their young careers in the U.S. attorney's office.

"Rd. and Dave have had charge of this case, putting it together," Clayton said in an interview.

And Hurd estimated that 80 per cent of the pair's worktime since last June had been put in on Wounded Knee trial preparations. "It's a team effort," he added—meaning that all six attorneys in the South Dakota offices at Sioux Falls and Rapid City have been involved in various stages.

The 71-day occupation of Wounded Knee last year has produced monumental preparation by attorneys for both sides. Indictments have been handed down against more than 130 members of the American Indian Movement (AIM) and sympathizers.

Banks and Means are being tried as two alleged leaders in the occupation. Other "leadership" cases are scheduled to follow at St. Paul, while the so-called "non-leadership" trials are being in South Dakota.

As if the Wounded Knee case weren't enough, Clayton's office has been given new jurisdiction by federal court order in prosecuting alleged crimes on three more reservation areas. Portions of Standing Rock, Sisseton and Cheyenne reservations were added, hiking the office workload some 20 per cent, says Clayton.

In the ascending importance of his official jobs, Clayton has found less time for personal pursuits and his family including five children, most of whom are grown and away from home.

Clayton carries at least an outwardly relaxed attitude into court these days. As the case warms up and counsel challenges rise, Clayton's demeanor may also shift gears.

He doesn't idle away wishing for the quieter pace. "I don't think that would be a complete solution," he said. "There are difficulties in every job."

Much of the government signal-calling is handled by

Hurd, 32, who towers over 6 feet and about half a foot above Clayton. A smart dresser who favors colorful sports coat and pants, Hurd is a 1964 graduate of the University of South Dakota and got his law degree there in 1967.

The bait of an eastern practice dangled before him in 1965, when he clerked for a Philadelphia law firm. It also put him close to the New York area his wife, Kamie, came from.

"But I didn't like the big city life too much," said Hurd, who grew up in Sturgis.

He worked with a Rapid City law firm two years before joining the U.S. attorney's office in August 1969, two months before Gienapp did so.

The 31-year-old Gienapp was a farm boy near Chester. He got his BA degree at USD in 1964 and law degree at the University of Wyoming in 1967.

He clerked for a time with State Supreme Court Justice Charles Hanson and later joined the state attorney general's office, specializing in land condemnation and anti-trust cases.

His parents wanted him to get a higher education. He was tempted to go into education, since his mother had been a teacher, but opted for law because it most interested him.

Also assisting with the prosecution is Earl Kaplan of the U.S. attorney general's staff in Washington, D.C.

(Indicate page, name of newspaper, city and state.)

19 Rapid City Journal

Rapid City, S.D.

Date: 2/19/74

Edition: Final

Author:

Editor: James M. Kuchan

Title:

Character:

or

Classification:

Submitting Office: Minneapolis

☐ Being Investigated

SEARCHED	INDEXED
SERIALIZED	FILED
FBI - MINN.	

1-70-6864
① 70-6882

70-6882-991

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b7C

F B I

Date: FEBRUARY 22, 1974

013

Transmit the following in PLAINTEXT
(Type in plaintext or code)Via TELETYPE NITEL
(Priority)

TO: SAC, NEWARK **TJB**

FROM: SAC, MINNEAPOLIS (70-6882) (P)

RUSSELL CHARLES MEANS; CIR - ARL; ET AL.

WOUNDED KNEE LEADERSHIP TRIALS, ST. PAUL, MINNESOTA.

SA [] OF THE NEWARK DIVISION, COMPLETED TESTIMONY THIS WEEK IN CAPTIONED MATTER. DURING COURSE OF CROSS EXAMINATION OF ANOTHER SPECIAL AGENT, SA [] OF THE OMAHA DIVISION, THE DEFENSE QUESTIONED [] CONCERNING HIS BEING SHOWN PHOTOGRAPHS OF AN INDIVIDUAL NAMED []

[] WAS SEEN BY BOTH SPECIAL AGENTS AT THE MOTHER BUTLER COMMUNITY CENTER, RAPID CITY, SOUTH DAKOTA, ON FEBRUARY 21, AND 22, 1973. SA [] TODAY TESTIFIED THAT HE WAS MAILED AND VIEWED ONE PHOTOGRAPH OF AN INDIVIDUAL BY THE NAME OF []

[] THIS PHOTOGRAPH WAS MAILED BY THE MINNEAPOLIS DIVISION TO SA [] AT DES MOINES, IOWA. DEFENSE ATTORNEY WILLIAM KUNSTLER THEN REFERRED BACK TO PRIOR TESTIMONY OF SA [] NEWARK DIVISION, WHEREIN [] STATED HE WAS SHOWN

2 - Minneapolis
(1 - 70-6832 - SUB NN)

sks

(2)

Rec'd
Soc. Sec. Adm.
Indexing
Filed

70-6882-992

Approved: JAT

Sent

8130 R

M

Per SCW

Special Agent in Charge

F B I

Date:

Transmit the following in _____
(Type in plaintext or code)Via _____
(Priority)

PAGE TWO

MP 70-6882

SEVERAL PHOTOS OF INDIVIDUALS NAMED [REDACTED] THE DEFENSE REQUESTED AND UNITED STATES DISTRICT JUDGE FRED J. NICHOL ORDERED THAT THESE PHOTOGRAPHS OF [REDACTED] BE OBTAINED FOR DISPLAY BY DEFENSE TO SA [REDACTED] IN COURT.

NEWARK DIVISION, AT NEWARK, NEW JERSEY, SA [REDACTED] REQUESTED TO IMMEDIATELY ADVISE IDENTITY AND LOCATION OF PHOTOGRAPHS HE VIEWED IN AN ATTEMPT TO FULLY IDENTIFY THE [REDACTED] WHOM HE SAW AT RAPID CITY, SOUTH DAKOTA. SUTEL COMMENTS OF SA [REDACTED] AND IF AVAILABLE, AIRTEL COPIES OF [REDACTED] PHOTOGRAPHS VIEWED BY SA [REDACTED]

END.

Approved: _____ Sent _____ M Per _____

Special Agent in Charge

U.S. Government Printing Office: 1972 - 455-574

b6
b7c

UNITED STATES GOVERNMENT

Memorandum

TO : SAC, MINNEAPOLIS (70-6882) (P)

DATE: 2/25/74

FROM : SUPERVISOR [REDACTED]

b6
b7C

SUBJECT: RUSSELL CHARLES MEANS
CIR - BURGLARY,
ET AL.

During testimony USDC St Paul, Minnesota, by
SAs [REDACTED] testimony was given
concerning [REDACTED] who they saw and had conversation
with at the Mother Butler Center, Rapid City, South Dakota,
2/21-22/73. The exact identity of [REDACTED] was made an
issue by the defense. At one point in his testimony, SA [REDACTED]
stated he had seen and identified a photo of this individual.

b6
b7C

LEADS

MINNEAPOLIS

AT MINNEAPOLIS, MINNESOTA

1. Will conduct indices check concerning [REDACTED]
2. Will attempt to locate and produce for AUSA
RICHARD D. HURD photo of [REDACTED] which was identified
by SA [REDACTED] This photo may be contained in a 157 case, as [REDACTED]
stated he recalled a communication transmitting photograph
for his viewing in Newark probably had a 157 classification.
3. Will immediately inform St. Paul Command Post
if photograph located and identified.

b6
b7C

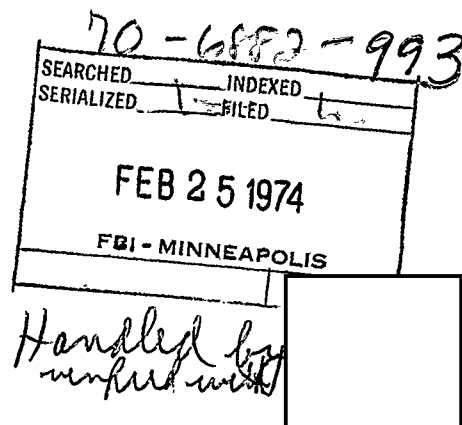
(3) - Minneapolis

[REDACTED] ykb

(3)



5010-108-02



b6
b7C

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

FBI

Date: 2/23/74

Transmit the following in PLAINTEXT
(Type in plaintext or code)Via TELETYPE NITEL
(Priority)

TO SAC, MINNEAPOLIS (70-6882)

FROM NEWARK

RUSSELL CHARLES MEANS; CIR-ARL;
ET AL. WOUNDED KNEE LEADERSHIP TRIALS,
ST. PAUL, MINNESOTA.

RE MINNEAPOLIS TELETYPE DATED 2/23/74.

SA [REDACTED] ADVISED TODAY THAT ONLY ONE PHOTOGRAPH
OF [REDACTED] WAS PREVIOUSLY SENT TO NEWARK BY
MINNEAPOLIS. NEWARK WILL ATTEMPT TO LOCATE PHOTOGRAPH AND FORWARD
MINNEAPOLIS AS SOON AS POSSIBLE.

b6
b7C

70-6882-994

SEARCHED	INDEXED
SERIALIZED	FILED
FEB 23 1974	
FBI - MINNEAPOLIS	

b6
b7C

Approved: _____

Special Agent in Charge

Sent _____ M Per _____

AIM defense will count heavily on 1868 treaty

ST. PAUL, Minn. (AP) — In a stubbornly-fought court battle that could last more than four months the defense will count heavily on a 106-year old treaty between Sioux Indians and the government.

The 1868 pact so the government then hoped, would forge a peace with some 10 bands and pave the way for accelerated development of the Great Plains.

As defendants Russell Means and Dennis Banks argue it, the 71-day occupation of Wounded Knee last year was triggered by what they call the "trail of broken treaties" with the white man at fault.

Means, 34, of Porcupine and Banks, 41, St. Paul, are charged in a 10-count indictment with burglary, theft, assault, firearms violations and conspiracy.

Tuesday will be the 25th day of court sessions in a trial that began Jan. 8 and consumed 19 days to pick 12 jurors and four alternates.

Five prosecution witnesses have appeared, but the

testimony of one has stretched over three days. He is Stanley Keel, FBI agent and half-blood Indian who spied on the American Indian Movement (AIM) at Rapid City a few days prior to the Feb. 27 occupation of Wounded Knee.

Keel was under re-direct examination when court recessed Friday.

The 1868 treaty, ratified by the U.S. Senate the next year, provided that about half of South Dakota was to be set aside for the "undisturbed use and occupation of the Indians herein named" and other friendly tribes.

However, the inexorable westward push, spurred by discovery of gold in western South Dakota, resulted in extensive settlement by whites.

In the view of defense attorney Larry Leventhal of Minneapolis, the Sioux' basic rights spelled out in the treaty remain.

"In our analysis, really, nothing has been done to modify it," he told a reporter, "only

plies of abuses to attempt to destroy the treaty."

He added that though the U.S. Supreme Court has ruled the treaty may be abrogated by congressional act, "any purported abrogation has to be specific, and not by innuendo nor implication."

One treaty provision is that no portion of the reservation held "in common" by Indians may be ceded unless the agreement is signed by at least three-fourths of adult male Indians.

In a point-by-point discussion of the pact, the government holds that while that section applies to transfers made of Sioux reservation lands, it doesn't bar the U.S. from taking such lands as it would anywhere else, by eminent domain.

The government also cites a court finding that Congress could, under an 1871 act, could step in. As the court opinion put it:

Congress could "... legislate in whatever way it might choose with reference to the management and control of the property

and affairs of the Indians, even though such action should be in conflict with some treaty provision and against the desire of the Indians."

The treaty obligates the government to set aside land for Indians willing to homestead and farm, and to provide them with such necessities as money (\$200 for homesteaders), seeds, agricultural implements, a cow and pair of oxen.

As the defense in the Banks-Means case argues, high government officials 100 years ago forced Indians into an alien culture where they became beholden to the white man.

They relate these remarks, as researched by the Institute for the Development of Indian Law:

In 1875, the secretary of interior told Sioux chiefs: "The buffalo north of the North Platte have also been driven away to such an extent you cannot find any large quantities there and the white people are pressing the government for the privilege of settling."

(Mount Clipping in Space Below)

(Indicate page, name of newspaper, city and state.)

Page 6

Rapid City

Journal

Rapid City,

South Dakota

Date: Feb. 18, 1974

Edition: Final

Author: JAMES M. HOFFMAN

Title:

Character:

or

Classification:

Submitting Office:

☐ Being Investigated

70-6808-995

SEARCHED SERIALIZED

FBI - MINNEAPOLIS

(Mount Clipping in Space Below)

Plea Denied — To Banks, Means

By Larry Millett
Staff Writer

Judge Fred Nichol Monday turned down a defense request that Russell Means and Dennis Banks be excused from court Wednesday to take part in ceremonies marking the first anniversary of the occupation of Wounded Knee, S.D.

However, Judge Nichol said he would allow defense team members to go to South Dakota Wednesday providing that Banks and Means each have at least one attorney with them in court.

Defense attorney William Kunstler said Banks and Means, who are being tried here on a variety of charges in connection with last year's takeover of Wounded Knee, would be willing to waive their right to be present at Wednesday's court session.

But despite assurances

from Kunstler that the defendants' absence would not be used as the basis for possible appeals, Judge Nichol said recent court decisions have convinced him that the right of the accused to confront witnesses "is a fundamental right that probably cannot be waived."

Chief prosecutor R. D. Hurd also objected to excusing the defendants. He said their presence would be required for purposes of identification by government witnesses.

That brought a response from Kunstler, who said the prosecution could alter its schedule slightly so that the defendants' presence would not be necessary on Wednesday.

But Hurd said travel arrangements have already been made for upcoming witnesses and that the prosecution would not be willing to revise its schedule.

(Indicate page, name of newspaper, city and state.)

10 St. Paul Pioneer
Press
St. Paul, MN.

Date: Feb. 26, 1974
Edition: Morning
Author: Larry Millett
Editor: Donald J. O'Grady
Title: Wounded Knee

Character:

or

Classification: 70-6832

Submitting Office: Minneapolis

☐ Being Investigated

70-3371 70-6882-996

SEARCHED	INDEXED
SERIALIZED	FILED
FBI — MINNEAPOLIS	

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(Mount Clipping in Space Below)

Pine Ridge Officer Opposed to AIM

By Jim George
Staff Writer

A Pine Ridge Reservation policeman who gave a sketchy description of the start last year of the Wounded Knee occupation expanded his testimony under cross-examination to include the fact he opposed American Indian Movement (AIM) activities on the reservation last February.

Wayne Romero, a Bureau of Indian Affairs (BIA) patrolman, had briefly described in direct testimony the movement

of a caravan into Wounded Knee the night of last Feb. 27 and his reports of hearing gunfire there.

Questioning by Kenneth Tilsen and Douglas Hall, defense attorneys, brought out much the same information, but a more detailed accounting by Romero.

The officer had testified he and his partner had approached the "Wounded Knee trading post after the caravan had gone in, but left after hearing what he described as shotgun blasts.

Under questioning by Tilsen, he added the fact they had a "hard time" leaving Wounded Knee because several cars tried to run the squad car off the road as it was leaving the village.

Romero told Hall he was aware last February of a political confrontation on the reservation between Dick Wilson, Oglala Sioux tribal president, and such groups as the Oglala Sioux Civil Rights Organization and AIM.

Romero said he didn't have any particular oppo-

sition to the civil rights group, but couldn't say the same about AIM.

"Were you in opposition to the activities of the American Indian Movement in February of 1973 on the reservation?" Hall asked.

"I believe so," Romero replied.

Hall's questioning brought out the fact Romero had been suspended from the force for four days in the past for "going AWOL" for two days.

Romero revealed that all shotguns had been taken from BIA officers two days prior to Feb. 27 and weren't returned until two days after that date.

Romero's partner, Virgil Randall, then took the stand and gave an even briefer account of that night. Mark Lane's cross-examination is expected to continue today.

Dennis Banks and Russell Means, AIM leaders, are on trial for alleged crimes committed during the 71-day takeover of Wounded Knee.

(Indicate page, name of newspaper, city and state.)

10 St. Paul Pioneer-
Press
St. Paul, MN.

Date: Feb. 26, 1974
Edition: Morning
Author: Jim George
Editor: Donald J. O'Grady
Title: Wounded Knee

Character:

or

Classification: 70-6832

Submitting Office: Minneapolis

☐ Being Investigated

137-3371
70-6882-997
SEARCHED _____ INDEXED _____
SERIALIZED _____ FILED _____

FBI - MINNEAPOLIS

b6
b7C

UNITED STATES GOVERNMENT

Memorandum

TO : SAC, MINNEAPOLIS (70-6882)

FROM : *L/jes* SAC, NEWARK (157-6931) (RUC)

DATE: 2/25/74

SUBJECT: RUSSEL CHARLES MEANS;
CIR-ARL
ET AL
WOUNDED KNEE TRIALS,
ST. PAUL, MINNESOTA
(OO:MINNEAPOLIS)

charged x

Re Newark teletype dated 2/23/74, and phone call to Minneapolis 2/25/74.

Referenced phone call from SA [redacted] to SA [redacted] St. Paul RA, set forth information concerning photo of [redacted] Only one copy dated 3/31/65, taken at Sheriff's Office, Pennington County, Rapid City, S.D., was furnished to Newark Division.

Minneapolis requested to review their file captioned [redacted] EM; AIM" file 157-1825 for copy of photo furnished Newark.

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b6
b7C

see 998

2 Minneapolis
2-Newark
(1-157-7260)

[redacted] meh

(4)



5010-108

Handled see 998
2/26/74
Review file for photo

70-6882-998A

SEARCHED	INDEXED
SERIALIZED	FILED
FEB 27 1974	
OLIS	

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Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

NR 020 WF CODED

1036 PM NITEL FEBRUARY 15, 1974 WWC

TO: DIRECTOR, FBI AND SACS
MINNEAPOLIS,
DENVER AND
ST. LOUIS

FROM: SAC, WFO (157-5476) (2P)

AMERICAN INDIAN MOVEMENT, EXTREMIST MATTERS-AIM, ATTN: INTD

RE BUREAU NITEL FEBRUARY 8, 1974, TO ALBUQUERQUE.

A CONFIDENTIAL SOURCE WHO HAS FURNISHED RELIABLE INFORMATION
IN THE PAST ADVISED

b6
b7C
b7D

END PAGE ONE

*1-70-6882 (means)
1-157-1468
1-70-8448 (P.R.)
1-157-3461 SA*

999
SEARCHED _____ INDEXED _____
SERIALIZED _____ FILED _____
FEB 15 1974

PAGE TWO

SOURCE

b7D

ADMINISTRATIVE: SOURCE IS

END

ACK TWO TELS

AGL FBI...MP

CLR

FEDERAL BUREAU OF INVESTIGATION

REPORTING OFFICE MINNEAPOLIS	OFFICE OF ORIGIN MINNEAPOLIS	DATE 2/25/74	INVESTIGATIVE PERIOD 1/31/74 - 2/14/74
TITLE OF CASE <div style="border: 1px solid black; height: 20px; width: 100%;"></div>		REPORT MADE BY SA <div style="border: 1px solid black; height: 20px; width: 100%;"></div>	TYPED BY amj b6 b7C
		CHARACTER OF CASE CIR - ARL; IMPEDING FEDERAL OFFICERS	

REFERENCES

Wounded Knee Non-Leadership Trials. Sioux Falls, South Dakota.
 Minneapolis report of SA 1/31/74.

(C)

ACCOMPLISHMENTS CLAIMED					<input checked="" type="checkbox"/> NONE	ACQUIT- TALS	CASE HAS BEEN: PENDING OVER ONE YEAR <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO PENDING PROSECUTION OVER SIX MONTHS <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		
CONVIC.	FUG.	FINES	SAVINGS	RECOVERIES					
APPROVED					SPECIAL AGENT IN CHARGE			DO NOT WRITE IN SPACES BELOW	
COPIES MADE: 4 - Bureau (70-59569) 1 - USA Sioux Falls, South Dakota 3 - Minneapolis (70-7667) (1) - 70-6882 (Info) <i>amj</i>					<div style="border: 1px solid black; padding: 5px; transform: rotate(-15deg); display: inline-block;"> Searched Serialized Indexed Filed </div>			<div style="border: 1px solid black; height: 100px; width: 100%;"></div>	
Dissemination Record of Attached Report					Notations				
Agency					<div style="font-size: 1.5em; font-weight: bold;">70-6882-1000</div>				
Request Recd.									
Date Fwd.									
How Fwd.									
By									

COVER PAGE

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Copy to: 1 - USA Sioux Falls, South Dakota
(ATTENTION: AUSA RICHARD D. HURD)

Report of:
Date: February 25, 1974

Office: Minneapolis, Minnesota

b6
b7c

Field Office File #: 70-7667

Bureau File #: 70-59569

Title:

Character: CRIME ON INDIAN RESERVATION - ANTIRIOT LAWS;
IMPEDING FEDERAL OFFICERS

Synopsis: On 1/31/74, USA, Western District of South Dakota, advised he declines to present captioned matter to a Federal Grand Jury due to insufficient evidence. Investigation closed.

(C)

DETAILS:

By communication dated January 31, 1974, United States Attorney WILLIAM F. CLAYTON, Western District of South Dakota, advised that he declines to present captioned case to a Federal Grand Jury due to insufficient evidence, and the case is being closed in his files.

UNITED STATES GOVERNMENT

Memorandum

TO : SAC, MINNEAPOLIS

FROM : *[Signature]* SAC, DENVER (70-3806) (RUC)

SUBJECT: RUSSELL CHARLES MEANS
EM - AIM

DATE:

2/28/74.

Re Minneapolis teletype to the Bureau, 2/9/74, and
Denver teletype to Minneapolis, 2/9/74.

On 2/20/74, [] advised that [] is listed
to [] Colorado.
This listing was obtained by [] on 11/25/72, and is current.

b6
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Denver has closed file on [] which results of
investigation were furnished to Minneapolis in connection
with Wounded Knee incident.

As Albuquerque verified arrival of MEANS and BANKS
at Albuquerque on 2/9/74, no further investigation concerning
their trip to Denver is being conducted.

2 - Minneapolis (RM)
1 - Denver
FRR:vlr
(3)

70-6887-1002



5010-108-01

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

b6
b7C

UNITED STATES GOVERNMENT

Memorandum

TO : SAC, MINNEAPOLIS

DATE: 2/28/74

FROM : SA [REDACTED]

b6
b7C

SUBJECT: RUSSELL CHARLES MEANS
CIR - BURGLARY
ET AL (MP 70-6882)

WOUNDED KNEE LEADERSHIP TRIALS
ST. PAUL, MINNESOTA

During the course of cross-examination of [REDACTED] formerly assigned to the Pine Ridge, South Dakota, Reservation, Defense Attorney MARK LANE asked [REDACTED] if he shot and killed an Indian in Oglala, South Dakota. This Indian was later identified as LITTLE SPOTTED HORSE, victim in Minneapolis case entitled "Unsub; Allison Little Spotted Horse, Jr. - Victim, CIR - Murder," Minneapolis file 70-8413. Federal Judge NICHOL pointed out to Defense Attorney LANE that if he persisted in asking the question of [REDACTED] as to whether or not he shot and killed SPOTTED HORSE, LANE must prove in substance the basis for his allegation that [REDACTED] was the subject. LANE responded that he could produce evidence indicating [REDACTED] was the subject and he was allowed to ask the question. [REDACTED] answered by saying he did not shoot SPOTTED HORSE and at a later date the defense must now produce the basis for its allegation.

b6
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AUSAs RICHARD D. HURD [REDACTED] advised it is now essential for the FBI to conduct an investigation concerning [REDACTED] in an attempt to determine the basis of the defense's information accusing [REDACTED] whereabouts on the date of the shooting perhaps could be quickly established through Pine Ridge Police Department logs and daily reports.

b6
b7C

④ - Minneapolis
② - 70-6882
2 - 70-8413

[REDACTED] jrp

(4)

jrp

70-6882-1003
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SERIALIZED FILED

b6
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MP 70-6882

LEAD

MINNEAPOLIS DIVISION

AT PINE RIDGE, SOUTH DAKOTA

Will expeditiously conduct appropriate investigation concerning [REDACTED] It should be noted that [REDACTED] was transferred 2/19/74 to Winnebago Indian Reservation, Nebraska.

b6
b7C

F B I

Date: MARCH 5, 1974

Transmit the following in PLAINTEXT
(Type in plaintext or code)Via TELETYPE NITEL
(Priority)

TO: DIRECTOR, FBI - PAW
 SAC, CHICAGO - JAK
 SAC, DENVER - RDE

FROM: SAC, MINNEAPOLIS (70-6882) (P)

RUSSELL CHARLES MEANS; CIR - BURGLARY, LARCENY, ET AL;
 WOUNDED KNEE RELEATED.

RE MINNEAPOLIS TELCALLS TO CHICAGO AND DENVER MARCH 5, 1974.
 DURING AFTERNOON COURT SESSION MARCH 5, 1974, FEDERAL
 DISTRICT JUDGE FRED J. NICHOL REQUESTED THAT SAs BOYD D. ADSIT,
 [REDACTED] BE IN ST. PAUL, MINNESOTA, AND
 READY TO TESTIFY AT 9:30 A.M. (CENTRAL DAYLIGHT TIME), MARCH
 6, 1974.

THE PURPOSE OF THE ABOVE SAs' TESTIMONY WILL BE AS TO THEIR
 KNOWLEDGE OF A DOCUMENT WHICH IS CAPTIONED "RESOLUTION OF CITIZENS
 OF THE DISTRICT OF WOUNDED KNEE, SOUTH DAKOTA". THE EXISTENCE
 OF THIS DOCUMENT CAME TO LIGHT DURING THE TESTIMONY ON MARCH
 5, 1974, OF GOVERNMENT WITNESS [REDACTED] DEFENSE
 ATTORNEYS ARE ATTEMPTING TO HAVE THIS DOCUMENT INTRODUCED INTO
 EVIDENCE.

① - Minneapolis

70-6882-1004

C6-9:00P

DN-9:41P

WA-9:56P

SEARCHED

SERIALIZED

INDEXED

FILED

[REDACTED] SKS

(1) Approved: [REDACTED]

Sent

M

Per [REDACTED]

b6
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F B I

Date:

Transmit the following in _____
(Type in plaintext or code)Via _____
(Priority)

PAGE TWO

MP 70-6882

RESERVATIONS WILL BE MADE FOR ABOVE SAs AT THE TRAVELODGE WHICH IS LOCATED AT 149 UNIVERSITY AVENUE EAST, FOR THE EVENING OF MARCH 6, 1974, IF NECESSARY. TAXI SERVICE IS AVAILABLE FROM THE MINNEAPOLIS - ST. PAUL INTERNATIONAL AIRPORT TO THE DOWNTOWN ST. PAUL AREA. UPON ARRIVAL AT ST. PAUL, SAs SHOULD CONTACT THE MINNEAPOLIS FBI OFFICE. ARRANGEMENTS WILL BE MADE TO PICK THEM UP AND TRANSPORT THEM TO UNITED STATES FEDERAL COURT HOUSE ON MORNING OF MARCH 6, 1974.

DENVER SA ADSIT AND CHICAGO SAs SHOULD REPORT AS REQUESTED.

END.

b6
b7c

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

(Mount Clipping in Space Below)

Local Attorney Dreams Long Trial

ST. PAUL, Minn. (AP) — Forebodings of a long trial of Indians Russell Means and Dennis Banks were voiced Monday by U.S. District Judge Fred Nichol.

He said he'd been home at Sioux Falls, S.D., over the weekend and a respected trial lawyer told of a dream he'd had. As Nichol related it:

The friend said Nichol asked defense attorney William Kunstler how long he expected to make his opening statement.

"A week," replied the noted attorney, who has figured in many controversial cases since 1961.

"All right," said the judge, "then maybe we can start hearing evidence a week from today."

But Kunstler protested he means a full seven days—"one week"—not five days.

Back in the courtroom setting, Nichol quipped, "So he must have known."

"How did you rule on it?" Kunstler persisted.

"I don't know," said the judge. "He woke up."

(Indicate page, name of newspaper, city and state.)

Page 17.

Sioux Falls

Argus Leader

Sioux Falls,

South Dakota

Date: Feb. 12, 1974

Edition:

Author:

Editor: ANSON YEAGER

Title:

Character:

or

Classification:

Submitting Office:

☐ Being Investigated

70-6561

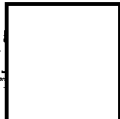
SEARCHED	INDEXED
SERIALIZED	FILED

FBI — MINNEAPOLIS

157-1460
157-846
70-6561-1005
157-846

70-6842-1006

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SERIALIZED	FILED
MAR 5 1971	
FBI - MINNEAPOLIS	



b6
b7C

MP 70-6832-Sub P

[redacted] wkb

(1)

The following investigation was conducted by
Special Agent [redacted]

b6
b7C

AT SAN JUAN PUEBLO, NEW MEXICO

On February 14, 1974, [redacted] was located at the residence of [redacted]. He advised that he had no prior knowledge of the American Indian Movement's plans to occupy the village of Wounded Knee and had no knowledge that they had been invited to the community by anyone.

He advised that during the takeover and occupation of Wounded Knee, two suitcases containing clothing were stolen from the residence of his mother, but advised he had no information as to who might have taken them.

He advised that he never did see or talk to any American Indian Movement (AIM) leaders in Wounded Knee and had no information concerning Molotov cocktails or any other explosive devices.

SEARCHED
SERIALIZED
INDEXED
FILED
FEB 14 1974
FBI - ALBUQUERQUE

F B I

Date: 3/8/74

001

Transmit the following in ~~PLAINTEXT~~ *Code*
(Type in plaintext or code)Via TELETYPE URGENT
(Priority)TO: DIRECTOR, FBI - *CC5*
FROM: SAC, MINNEAPOLIS (70-6882)

DENNIS JAMES BANKS; RUSSELL CHARLES MEANS; CIR - BURGLARY.

IN A HEARING IN OPEN COURT THIS DATE JUDGE FRED NICHOL AGREED TO LIMIT THE DISCLOSURE SESSION SCHEDULED FOR 3/9/74 TO THE EXHIBITS SECTION OF THE FILES (THE 1-A'S). THE DEFENSE DID NOT COMPLETELY AGREE WITH THIS, HOWEVER, IT IS UNDERSTOOD THAT THE SESSION OF 3/9/74 WILL BE LIMITED TO THE 1-A SECTION OF THE FILES. THE DEFENSE MAY SEEK ADDITIONAL DATA IN OPEN COURT ON 3/11/74.

AN ARTICLE ~~WAS~~ APPEARED IN THE "MINNEAPOLIS TRIBUNE," A DAILY NEWSPAPER, ON THE MORNING OF 3/8/74, WHICH ORIGINATED IN WASHINGTON, D. C., HEADLINED "FBI SAYS IT HARASSED BLACK MILITANT GROUPS." THE DEFENSE REFERRED TO THIS ARTICLE WHICH HAS TO DO WITH DISRUPTION TACTICS AIMED AGAINST BLACK MILITANT ORGANIZATIONS, AND SAID IT WOULD BE FILING TODAY A MOTION TO REQUIRE THE FBI

JHT:JWH
(1)Searched
Sent in file
152
152
152

70-6882-1007

Approved: *[Signature]*
Special Agent in Charge

Sent 1:39 P M

Per *[Signature]*

F B I

Date:

Transmit the following in _____
(Type in plaintext or code)Via _____
(Priority)MP 70-6882
PAGE TWO

TO STATE WHETHER THE FBI HAD A HARASSMENT PROGRAM DIRECTED
AT AIM. AFTER THIS MOTION IS RECEIVED, A COPY WILL BE
FORWARDED TO HEADQUARTERS.

END.

Approved: _____
Special Agent in Charge

Sent _____ M Per _____

SAC (70-6832)

3-8-74

ASAC PHILIP F. ENLOW

DENNIS BANKS;
RUSSELL MEANS
CIR - BURGLARY,

~~Etc~~

At 11:05 A.M., this date, Supervisor [redacted] FBI HQ, telephonically advised that in connection with the teletype sent in on 3/7/74, relating to the Order of JUDGE FRED NICHOLS, whereby he ordered and directed that all and any files pertaining to the Wounded Knee incident be kept intact and were to be inspected by the defense attorney and the U.S. States Attorney, that in conference with [redacted] of the Department of Justice, it was their opinion that this Order was too broad, and the Order could be implied to include the files of all the FBI, even those of Headquarters.

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Supervisor [redacted] stated this Order should be promptly discussed with the United States Attorney and an attempt be made to have the Order restricted to include 1A exhibits only. He stated that the Bureau should be promptly advised as to the Judge's decision, after the request to modify the Order has been made.

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I informed him an attempt had been made yesterday to have the Order modified and clarified and the Judge refused to do so. Mr. [redacted] advised if the request to modify the Order just to include 1As failed, the Bureau should be advised immediately, so that it can be promptly brought to the attention of the Department, for consideration for appeal to the 8th Circuit Court of Appeals.

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2 - Minneapolis

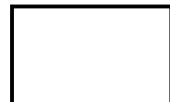
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UNITED STATES GOVERNMENT

Memorandum

TO : SAC, MINNEAPOLIS (70-6882) (P)

DATE: March 5, 1974

FROM : SA [REDACTED]

b6
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SUBJECT: RUSSELL CHARLES MEANS
CIR - BURGLARY, LARCENY, ETC.
WOUNDED KNEE RELATED

Attached is a petition allegedly signed by approximately 22 Wounded Knee residents on the 22nd day of March, 1973.

On March 5, 1974, during the Wounded Knee trial of DENNIS JAMES BANKS and RUSSELL CHARLES MEANS, the defense attorneys while cross-examining [REDACTED] [REDACTED] Sacred Heart Church, Wounded Knee, South Dakota, showed him the attached petition and asked if he were familiar with it. [REDACTED] advised that he was not.

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Assistant United States Attorney RICHARD D. HURD Sioux Falls, South Dakota, a member of the prosecution team, requested that in anticipation of further attempts by the defense to enter this petition into evidence, he would like all persons whose names appear on the attached petition to be interviewed. These persons should be asked specifically why they signed it, if they signed it, and what they believed they were signing. The results of these investigations should be expeditiously furnished to the Minneapolis Office to the attention of SA [REDACTED]
[REDACTED]

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LEAD

MINNEAPOLIS

AT WOUNDED KNEE, SOUTH DAKOTA

Will contact and interview those persons whose names appear on the attached list and interview them in relation to the specific questions set forth by the AUSA.

(8) - Minneapolis

5) (6) 70-6882)
(1-70-6864)

(1 - 70-6882-Sub P)

MAR 11 1974

FBI - MINNEAP

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Lane 3/4/74

(A) We, the undersigned, are residents of Wounded Knee, located upon the Pine Ridge Indian Reservation in South Dakota. By the actions of the agents of the United States Government, including United States Marshals, agents of the Federal Bureau of Investigation, and by Bureau of Indian Affairs Police Officers, and Tribal Police and other Officers of the Pine Ridge Reservation, have been denied access to our homes.

Persons attempting to go home have been stopped at road blocks set up and manned by the officers named. Some have been arrested for trying to get to their homes, and in some cases, to their children and relatives who are in Wounded Knee. We also know that many persons who are in Wounded Knee, who for many reasons wished to leave, were denied that right, and many have been arrested for attempting to leave Wounded Knee. Many more are afraid to attempt to do so, knowing that they will be arrested or not allowed to return to their homes and families if they do so, and thus many are not allowed to perform their jobs or attend their regular schools, in the case of many of the children trapped there.

The persons now outside their home of Wounded Knee have been forced into terrible living conditions, due to the shortage of space, and the fact that the outside Officers and agents have taken up so much of the available space in and around Pine Ridge and other reservation communities. Often, many adults and children are crowded into tiny rooms, without adequate sanitary and other facilities, without adequate and clean clothing, and clean safe places to sleep and reside. In many cases, jobs have been terminated and money is not available.

For these reasons, and as a plea for justice, the people who sign this statement wish to be Plaintiffs in an action against the government agents and agencies responsible, and wish to be represented by the Wounded Knee Legal Defense/Offense Committee, and the lawyers and legal workers of that committee in this attempt to end an intolerable situation which has terribly upset their lives and the lives of their families.

Done at Pine Ridge, South Dakota this 22nd day of March, 1973.

[Redacted signature box]

Wounded Knee, S.D.

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[Redacted signature box]

Wounded Knee, S.D.

[Redacted signature box]

Wounded Knee, S.D.

Wounded Knee, S.D.

Wounded Knee, S.D.

[Redacted signature box]

Wounded Knee, S.D.

[Redacted signature box]

Wounded Knee, S.D.

Wounded Knee, S.D.

Ed. Jones

UNITED STATES GOVERNMENT

Memorandum

TO : SAC, MINNEAPOLIS (70-6882)

DATE: March 5, 1974

FROM : SA [REDACTED]

b6
b7C

SUBJECT: RUSSELL CHARLES MEANS
CIR - BURGLARY, LARCENY, ETC.
WOUNDED KNEE RELATED

Attached is one copy of "Resolution of Citizens of the District of Wounded Knee, South Dakota," dated March 3, 1973.

On March 5, 1974, during the progress of the Wounded Knee trial at St. Paul, Minnesota, Assistant United States Attorney RICHARD D. HURD for the District of South Dakota, was questioning a prosecution witness, [REDACTED] Sacred Heart Church, Wounded Knee, South Dakota, and during this questioning, defense counsellor WILLIAM KUNSLER asked [REDACTED] if he were familiar with the attached resolution allegedly signed by numerous persons representing themselves as residents of Wounded Knee. [REDACTED] advised that he was familiar with a resolution which was similar to the attached resolution, however, he did not recall seeing the list of names attached to the resolution at the time that he observed it.

Assistant United States Attorney HURD requested that in anticipation of defense counsel attempting to enter the attached resolution into evidence that the FBI contact those persons whose names appear on the attached resolution and attempt to determine why they signed this resolution.

LEAD

MINNEAPOLIS

AT RAPID CITY, SOUTH DAKOTA

Will contact those persons whose signatures appear on the attached resolution (with the exception of those currently under indictment) and interview them as to whether

8 - Minneapolis

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(S/S)

5 (6 - 70-6882)
(1 - 70-6864)

(1 - 70-6832-Sub P)

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MAR 11 1974	
FBI - MINNEA	



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Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

MP 70-6882

knowledge and recollection as to when and why their names appear on this list. For the investigative assistance of lead Agents, it should be noted that those persons signing this resolution may have been led to believe that they were signing a food list or some other such list to gain benefits for themselves and family during the Wounded Knee occupation. Result interviews should be expeditiously forwarded to the Minneapolis Office, Attention SA [redacted]
[redacted]

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RESOLUTION OF CITIZENS OF THE DISTRICT OF WOUNDED KNEE,
SOUTH DAKOTA

WE, THE UNDERSIGNED RESIDENTS OF WOUNDED KNEE, SOUTH DAKOTA,
HEREBY MAKE THE FOLLOWING RESOLUTION:

WHEREAS, the United States Department of Justice has the
District of WOUNDED KNEE, SOUTH DAKOTA, surrounded by the agents of
the Federal Bureau of Investigation and United States Marshalls, and

WHEREAS, we the undersigned citizens of Wounded Knee, South
Dakota are presently engaged in peaceful and meaningful discussions
concerning the events that have transpired here during the past few
days and in particular, the question of there being any necessity
for the United States Government through the United States Department
of Justice remaining in Wounded Knee any longer, it is therefore,

RESOLVED that the United States Department of Justice and
their agents and servants cease and desist from firing upon our guest
members of the American Indian Movement and members of the news media
who are here at our invitation and that no persons who are present
here now or who may come in the future be harrassed or intimidated when
they are here at our invitation. That as these discussions continue,
we will advise the representatives of the United States of our progress
as to whether we feel that there is any need for the United States
Department of Justice to remain and it is further RESOLVED, that
prejudice does now exist in the manner in which the United States
Department of Justice is dealing with the events here and that preju-
dice is directed against the Indian citizens and their Indian guests
who are here in that amongst other things the white citizens are being
permitted to go and come at will, but the Indian citizens are not per-
mitted the same freedom. We therefore demand that the United States
government immediately permit the Indian citizens and their guests
to go and come at will.

Dated: March 3, 1973

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Against AIM
Res. of W.K.

Address

Date

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cc Sh. L. 3-3-7.

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RESIDENCE

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392 Federal Building U. S. Court House
110 South Fourth Street
Minneapolis, Minnesota 55401

March 9, 1974

Honorable William F. Clayton
United States Attorney
Federal Building
Sioux Falls, South Dakota 57101

Attention: Richard D. Hurd
[Redacted]
Assistant United States Attorneys

b6
b7C

Dear Sir:

RE: WOUNDED KNEE LEADERSHIP
TRIALS, ST. PAUL, MINNESOTA

In a discussion with Judge Fred J. Nichol this morning, several things were mentioned which I thought would be of interest to you in connection with the trial that is currently underway at St. Paul, Minnesota.

The Judge expressed his displeasure with the discrepancies between the testimony of Special Agents [Redacted] and the FD-302's that they prepared at the time the incidents occurred. I explained to Judge Nichol the tension and strain that existed at that time for those two agents, and I assumed that the discrepancies could be attributed to the conditions that then existed. I explained that the American Indian Movement (AIM) had apparently learned of the fact that these two men were Government Agents and that their lives were in danger, and it was shortly after this that the agents prepared their FD-302's. He said that while some of this was brought out, he had not fully understood the difficult conditions that existed for those two agents.

2 - Minneapolis
(1 - 70-6882)
(1 - 70-6832 - Sub P)
JHT:sks
(3)

70-6882-1011

I told Judge Nichol that there may be other instances during this trial where there are some discrepancies between an agent's testimony and the information on the FD-302, but that many of the personnel had gone for considerable periods of time without adequate sleep, they were under considerable tension and strain and this may have had a bearing on their ability to prepare a detailed FD-302 at the time..

Judge Nichol indicated to me that it may be well to bring out this condition during the trial.

Judge Nichol also mentioned that at some point or other during the trial, the question of exculpatory material would be present. I told Judge Nichol that our agents are trained to be certain that any information they receive during an investigation that may bear on the issues was to be furnished to the United States Attorney's Office and that this most certainly included information favorable to the defense.

I thought you would be interested in having available citations from the FBI handbook that concerned this point and they are as follows:

"Statements of witnesses in any way favorable to the defense must be reported on form FD-302 just as are those of witnesses for the prosecution".

Another citation from the FBI handbook is as follows:

"Testimony of potential witnesses for the defense, and all other evidence favorable to the defendant, encountered during the course of the investigation for the Government, must be incorporated in the reports to the United States Attorney, accurately and in all pertinent detail."

Very truly yours,

JOSEPH H. TRIMBACH
Special Agent in Charge

NR 009 MP CODED

8:26PM NITEL MARCH 8, 1974 MRH

TO DIRECTOR *FLE* (ATTENTION: LEGAL COUNSEL)
FROM MINNEAPOLIS (P) THREE PAGES

DENNIS BANKS; RUSSEL MEANS, CIR - BURGLARY, ETC.

RE BUTEL MARCH 7, 1974.

ALTHOUGH THIS OFFICE HAS CONTINUING CONTACTS WITH FEDERAL JUDGES AND USA'S, IN VIEW OF JUDGE NICHOL'S CRITICAL REMARKS CONCERNING THE FBI, CURRENT CONTACTS WITH THESE INDIVIDUALS WERE CONSIDERED APPROPRIATE.

THIS DATE, I TALKED AT LENGTH WITH UNITED STATES DISTRICT COURT JUDGE EDWARD J. DEVITT, WHO IS CHIEF JUDGE FOR THE DISTRICT OF MINNESOTA. HE SAID HE WAS SHOCKED AND OUTRAGED AT THE REMARKS OF JUDGE FRED J. NICHOL. I ASKED HIM WHETHER HE HAD THE SAME FEELINGS ABOUT THE FBI; HE REPLIED THAT HE MOST EMPHATICALLY DID NOT AND THAT IN HIS OPINION THE FBI IS BECOMING EVEN BETTER UNDER DIRECTOR CLARENCE KELLEY. HE SAID IT IS UNTHINKABLE THAT AN FBI AGENT WOULD DELIBERATELY DISTORT OR CONCEAL EVIDENCE. JUDGE DEVITT SAID THAT JUDGE NICHOL'S REMARKS ARE A GREAT DIS-SERVICE TO THE THOUSANDS OF DEDICATED MEN AND WOMEN OF THE FBI.

JUDGE DEVITT WANTED TO KNOW WHAT HE COULD DO TO HELP AND IN THIS REGARD HE IS CONSIDERING SENDING A LETTER TO ME WHICH WILL CONTAIN
END PAGE ONE

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PAGE TWO

HIS THOUGHTS AND THIS LETTER COULD, IF WE WISHED, BE FURNISHED TO THE MEDIA. BEFORE DEFINITELY DECIDING ON THIS, HOWEVER, HE WANTED TO GIVE IT FURTHER THOUGHT SINCE IN JUDICIAL CIRCLES, IT WOULD BE CONSIDERED HIGHLY UNUSUAL FOR SUCH A COMMUNICATION TO BE SENT. HE WAS ALSO CONCERNED THAT HE MAY TRY THE NEXT WOUNDED KNEE LEADERSHIP CASE IN ST. PAUL AND ANY PUBLIC STATEMENT BY HIM COULD POSE A PROBLEM. IN ANY EVENT, IF SUCH A LETTER IS RECEIVED FROM JUDGE DEVITT, THE BUREAU WILL BE PROMPTLY NOTIFIED AND NO ACTION TO PUBLICIZE THE LETTER WOULD BE TAKEN WITHOUT PRIOR CONSULTATION WITH HEADQUARTERS.

I ALSO ENDEAVORED TO CONTACT JUDGE PAUL BENSON, CHIEF UNITED STATES DISTRICT COURT JUDGE FOR NORTH DAKOTA. HE WAS UNAVAILABLE AND I WILL TALK TO HIM NEXT WEEK.

I ALSO TALKED THIS DATE WITH USA ROBERT G. RENNER, DISTRICT OF MINNESOTA, AND USA WILLIAM CLAYTON, DISTRICT OF SOUTH DAKOTA. BOTH SAID THAT THE INTEMPERATE REMARKS BY JUDGE NICHOL WERE MOST UNFORTUNATE AND THEY ARE COMPLETELY SATISFIED WITH THE WORK OF THE FBI. I WILL TALK TO USA HAROLD O. BULLIS, OF NORTH DAKOTA, NEXT WEEK.

I MADE ARRANGEMENTS THIS DATE TO CONFER PERSONALLY WITH JUDGE

END PAGE TWO

PAGE THREE

NICHOL ON MARCH 9, 1974, AND I HOPE THAT AS A RESULT OF THAT MEETING JUDGE NICHOL WILL FURTHER PUBLICLY RETRACT SOME OF HIS PRIOR STATEMENTS. IT IS NOT LIKELY HE WILL DO SO BUT I WILL ENDEAVOR TO DISCUSS THE SITUATION WITH HIM IN DETAIL IN ANY EVENT.

MANY OF THE FRIENDS OF THIS OFFICE, BOTH IN AND OUT OF LAW ENFORCEMENT, HAVE EXPRESSED THEIR CONCERN ABOUT JUDGE NICHOL'S INTEMPERATE REMARKS.

THE BUREAU WILL BE ADVISED OF FURTHER DEVELOPMENTS.

END

FBIHQ FLC CLR

FR TWO TELS

UNITED STATES GOVERNMENT

Memorandum

TO : SAC, MINNEAPOLIS (70-6882) (P)

DATE: 3/8/74

FROM : SA [REDACTED]

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SUBJECT: RUSSELL CHARLES MEANS
CIR - BURGLARY, LARCENY, ET AL
WOUNDED KNEE RELATED
(OO: MINNEAPOLIS)

On 3/4/74 during the defense cross examination of [REDACTED] Sacred Heart Catholic Church, Wounded Knee, South Dakota, a document was mentioned by [REDACTED] which he described as being a petition or a resolution from the citizens of Wounded Knee.

The Defense Counsel for RUSSELL CHARLES MEANS and DENNIS JAMES BANKS, upon hearing of this resolution or petition, demanded that the Government produce this document. United States Federal District Court Judge FRED J. NICHOL, presiding in the trial, concurred with the defense request and directed AUSA R. D. HURD to make this document available to the court.

At approximately 2:00 p.m. on 3/4/74, SA [REDACTED] who has been sitting at the counsel table, advised SA [REDACTED] that a copy of this document had been requested by AUSA HURD and all attempts should be made to locate it in the Wounded Knee files located in Minneapolis. SA [REDACTED] telephonically contacted SA [REDACTED] in Minneapolis and advised him that a copy of this document was requested in court.

On 3/5/74 at approximately 10:30 a.m., SA [REDACTED] advised SA [REDACTED] that Judge NICHOL had again requested this document be brought into court. SA [REDACTED] that the document had not been received in St. Paul and advised him that as soon as the document was received in St. Paul, SA [REDACTED] would bring it to the courtroom. Shortly thereafter, SA [REDACTED] again called the Minneapolis Office and spoke with SA [REDACTED] and requested the document in question. SA [REDACTED] advised that if the document was not already on its way, he would immediately secure a copy and have it transported to St. Paul by the quickest available means.

3 - Minneapolis
(1 - 70-6864)
(1 - 70-6832 - Sub P)

(3)

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

SEARCH
SERIAL

70-6882-1013



At approximately 11:00 a.m., 3/5/74, a Special Agent of the FBI from the Minneapolis Office arrived at St. Paul Resident Agency with a photo copy of a document entitled "Resolution of the Citizens of Wounded Knee, South Dakota". This document stated in part that the citizens of Wounded Knee had invited their friends, the members of AIM, into the village of Wounded Knee for peaceful and meaningful discussions, and now demanding that the United States Government through the Department of Justice remove FBI Agents and United States Marshals from blockading their village. The document also requested that FBI Agents and Marshals stop shooting at the village of Wounded Knee for the citizens feared for their lives. Attached to this one-page typewritten document were five photo copy pages of handwritten signatures.

Upon examining this document, it was evident to SA [] that there were several pencil and inked handwritten notations on the photo copy. SA [] telephonically contacted the Minneapolis Office and requested if this was the only copy of this document. At this time, he was advised that there was an original of this document located and upon telephonic comparison, it was determined by SA [] that the original did not bear the pencil and ink notations that SA [] had noted on the photo copy.

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In conformity with previous items which had been supplied to the USA for use in court, SA [] xeroxed three copies of the photo copied document. One of these copies was for the USAs and one each for the Judge and Defense should the USAs determine it appropriate to turn over to them. SA [] also, while xeroxing these three copies, obliterated an inked notation on the bottom right hand corner of the resolution knowing that this did not appear on the original and wishing to supply as accurate a copy to the court as possible.

During the afternoon court session of 3/5/74, SA [] was advised by SA [] that if the original of the previously supplied document existed, that it should be immediately brought into the court. SA [] immediately contacted the Minneapolis Office and requested of SA [] that the original be located and brought to St. Paul as soon as possible. At approximately 2:30 p.m., SA [] received the original document entitled "Resolution From the Citizens of the District of Wounded Knee, South Dakota" and the original of five handwritten pages containing signatures. At this point, SA [] handed this document to SA [] who returned to the courtroom.

At approximately 3:30 p.m., SA [] was notified by SA [] that the defense and the Judge were concerned at the apparent differences (i.e. penciled notations) which appeared on the xerox copy that did not appear on the original copy. SA [] further stated that the defense demanded to know where this document had come from and that SA [] be summoned from the Minneapolis Office to the St. Paul Office in order to testify in court as to the origin of this document.

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SA [] arrived in St. Paul at approximately 4:00 p.m. and shortly thereafter, was called on to testify in court as to the origin of this document. At 4:45 p.m. court was recessed for the day and SA [] was advised to return on 3/6/74 in order to continue his testimony.

During the beginning of court on 3/6/74, Deputy USM [] advised Judge NICHOL and the court that several members of the jury had received some anti-AIM literature through the mails and the Judge may wish to look into this as an Obstruction of Justice matter. At this time, AUSA HURD advised the court that under the appropriate title and section number of the United States Criminal Code, the FBI would have the responsibility for this type of Obstruction of Justice or jury tampering matter. At the point, Defense Counsel objected to Mr. HURD's comments and stated to the court that inasmuch as the FBI was directly involved in the entire Wounded Knee matter, they would not be satisfied with any investigation that the FBI conducted in this matter and suggested to Judge NICHOL that the investigation be conducted by the United States Postal Inspectors. AUSA HURD immediately informed the court that the FBI had the responsibility for this type of investigation and the only way that it could be changed would be to change the law. Defense Counsel once again objected stating several instances of alleged FBI failure to properly carry out criminal investigations. Defense Attorney MARK LANE cited the PEDRO BISSONETTE killing and several other recent reservation killings or assaults as instances where the FBI had failed to conduct proper timely investigations.

Judge NICHOL ordered Mr. LANE to be silent and advised him that his comments were out of order; he then stated, however, I am displeased with the manner in which the FBI has conducted itself in this case and I feel that the Bureau has seriously deteriorated in the past several years. Despite AUSA HURD's attempts to transpose his

MP 70-6882

objection to the Judge's comments, Judge NICHOL continued his tirade against the FBI stating that this document was a good example and he could not understand what the FBI thought they were hiding from the court in this matter.

Shortly thereafter, SA [] was allowed to resume the stand and continue his explanation as to where the document in question had been. SA [] was then called to testify as to his actions with the document and as to how some of the notations had been obliterated. After SA [] had completed his testimony, SA [] of the Chicago Division, and SA BOYD ADSIT of the Denver Division, were also called to testify as to their knowledge and of the origin of this document.

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Upon the conclusion of these agents' testimony, Judge NICHOL appeared to be satisfied with the FBI's explanation as to where the document had been located, kept and the manner in which the document and the photo copy had been brought into court. Judge NICHOL apparently advised the USAs and the Defense Counsel that he was satisfied with these explanations, however, he declined to withdraw his scathing comments concerning the Bureau and its operation or to make any apology to them.

UNITED STATES GOVERNMENT

Memorandum

TO : SAC, MINNEAPOLIS

DATE: 3/8/74

FROM : SA TRENWITH S. BASFORD

SUBJECT: RUSSELL CHARLES MEANS;
DENNIS JAMES BANKS;
CIR
WOUNDED KNEE LEADERSHIP TRIALS
ST. PAUL, MINNESOTA

DISCOVERY ORDER OF U. S. DISTRICT
COURT JUDGE FRED NICHOL, FILED
OCTOBER 16, 1973

The following is a summary of the order which requires that the FBI and the Government disclose materials within the possession or custody of the Government or which can be discovered with due diligence.

Request Number 1

Produce copies of any and all written and recorded statements or confessions made by defendants, or other defendants represented by the defendants' counsel; this includes written or recorded statements made to non-government witnesses.

Request Number 2

Results of reports of physical or mental examination and of scientific tests or experiments made in connection with this case, including alleged victim's blood tests, fingerprint comparisons, ballistics and chemical analysis.

Request Number 3

Copies of recorded testimony of these defendants or any other defendants represented by defendants' counsel before the Grand Jury. (This material would not normally be in possession of the FBI.)

- 1 - 70-6832-Sub P
- ① - 70-6882 (MEANS)
- 1 - 70-6864 (BANKS)

TSB:wkb

wkb



70-6882-1014

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FBI - MINNEAPOLIS	

[Signature]

MP 70-6832-Sub P

Request Number 4

Defendants are to inspect and be permitted to copy photograph books, papers, documents, maps, photographs, tape recordings, films, video tapes and other tangible objects, including but not limited to firearms, Molotov cocktails, ammunition, food, motor vehicles, automobiles, and guns referred to in the indictments and any ballistics reports, autopsy reports or pictures of BUDDY LAMONT and FRANK CLEARWATER. Also to be produced is any personal property belonging to the defendants. This is not limited to items intended for use as evidence but includes all such materials in the possession, custody or control of the Government which may be material to preparation of the defense in this case. The Government is not required to produce reports, memoranda or internal Government documents made by Agents in connection with investigation or prosecution.

Requests 5-8

These items do not apply to the FBI at this disclosure although conditions may be imposed therein in connection with the trials.

Request Number 9

This request requires the running of a name check and identification records or obtaining witnesses criminal records. This item does not specifically apply to the discovery proceedings.

Request Number 10

Production of the Grand Jury testimony of each witness is required. (This testimony would not normally be in the possession of the FBI).

Request Number 12

(a) All logs or communications between Government bunkers, roadblocks and mobile transmitting stations; (b) logs of communications between Government bunkers or roadblocks or mobile transmitting stations and headquarters; (c) reports and transcriptions of communications intercepted from inside Wounded Knee during the occupation.

MP 70-6832-Sub P

Request Number 12

Not applicable at this time.

Request Number 13

Electronic surveillance of any U. S. Government agency.

Request Number 14

Names and addresses of any witnesses which will provide testimony of an exculpatory nature of testimony impeaching Government witnesses, as soon as the Government determines that such witnesses possess exculpatory or impeaching information. The court will examine the Government's files in camera (in judge's chambers) and order the Government to produce material exculpatory in nature when the Government has rested its case.

Request Number 15

All photographs of possible suspects shown by Agents of the FBI, BIA law enforcement officers, or U. S. Marshals to witnesses which are in the possession of the agencies, including but not limited to those shown before witnesses of the Federal Grand Jury, plus any photographs or information concerning line-ups, show-ups or other identification procedures used in reference to a defendant and the results thereof, specifically to include the names and addresses of people present at line-ups, show-ups, who did not identify the defendants and people present at line-ups or show-ups who identified someone other than the defendants.

Requests 16 and 17

Not applicable.

Request Number 18

Copies of all written press releases in the Government's possession.

MP 70-6832-Sub P

Request Number 19

Not applicable

Request Number 20

If subsequent to the compliance with this order the USA discovers additional material to that ordered to be produced under this order, he should promptly notify counsel for the defendants of the existence of such additional material.

Request Number 21

The Government is forbidden to disclose to the press, to any other persons the nature or contents of materials disclosed.

The above summary was prepared in connection with an anticipated discovery procedure on 3/9/74. The portions of the order cited above are deemed pertinent to that discovery procedure and the summary should not be used in considering other situations where the order may apply. The above is a summary and for full context the order itself should be reviewed.

NR 001 MP CODED

5:46 PM URGENT 3/10/74 RG

PAW
TO DIRECTOR ATTENTION: LEGAL COUNSEL
FROM MINNEAPOLIS (P)

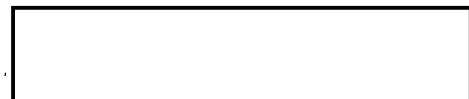
DENNIS BANKS; RUSSELL MEANS; CIR - BURGLARY, ETC.

I CONFERRED WITH JUDGE FRED J. NICHOL IN PRIVATE ON 3/9/74.
I ALSO SHOWED HIM THE WASHINGTON POS ARTICLE THAT APPEARED ON
MARCH 7, 1974. HE SAID THAT HE DID NOT THINK THAT THE ARTICLE
ACCURATELY REFLECTED HIS COMMENTS AND I TOLD HIM THIS IS WHAT
THE PUBLIC READ AND IT MAY HAVE AN IMPACT ON THE
PUBLIC'S CONFIDENCE IN THE FBI. HE SAID THAT HE WOULD LOOK
FOR AN OPPORTUNITY DURING THIS TRIAL TO MODIFY HIS CRITICAL
REMARKS OF THE BUREAU. HE SAID THAT WHEN THE TRIAL IS COMPLETED,
REGARDLESS OF THE OUTCOME, HE WOULD CONSIDER MAKING SOME
COMMENT THEN ABOUT THE FBI'S WORK AND THE EFFORT PUT FORTH IN THIS
CASE.

I ASKED JUDGE NICHOL WHETHER HE REALLY FELT WE HAD DEERIORATED
AND IF SO, WHY.

END PAGE ONE

4
4
70-6882-1015



b6
b7c

(info)

PAGE TWO

HE SAID HE DID AND HIS REASONS ARE AS FOLLOWS:

1. IN THE TRIAL OF A CASE A FEW YEARS AGO INVOLVING AN ASSAULT ON UNITED STATES MARSHALS, THERE WERE A NUMBER OF INSTANCES WHERE THE TESTIMONY OF THE WITNESSES WAS SIGNIFICANTLY DIFFERENT FROM THE INFORMATION ON THE 302S. (THIS CONCERNS THE CASE CAPTIONED DENNIS JAMES BANKS; ETAL; BUFILE 89-1939; MPFILE 89-113. THIS CASE WAS HANDLED IN 1971.) I TOLD JUDGE NICHOL I WAS NOT IN TH'S AREA AT THIS TIME AND WAS NOT FAMILIAR WITH THE CASE AND I ASKED HIM IF HE MADE HIS VIEWS KNOWN TO THE FBI AT THAT TIME. HE STATED HE DID NOT ADVISE OUR OFFICE THEN, BUT IT HAS BEEN ON HIS MIND EVER SINCE. (HE ALSO HAS NEVER BROUGHT THIS UP DURING THE NUMEROUS TIME HE HAS BEEN VISITED BY SACS, ASACS, AND INSPECTORS.)

2. HE WAS CONCERNED AT THE TESTIMONY [REDACTED]

[REDACTED]

DURING THE CURRENT TRAIL, IN THAT HE NOTICED DISCREPANCIES IN THEIR TESTIMONY AND THEIR 302S. HE SAID SUCH DISCREPANCIES FURNISHD THE DEFENSE WITH REAL AMMUNITION AND HAVE A SUBSTANTIAL IMPACT

END PAGE TWO

b7F

PAGE THREE

ON THE GOVERNMENT'S CASE.

I TOLD THE JUDGE THAT I WAS [REDACTED]

b7F

[REDACTED] RAPID CITY. I THEN
EXPLAINED AT LENGTH TO THE JUDGE THAT THESE TWO YOUNG AGENTS
WERE ASSIGNED TO LEARN OF AIM PLANS, BECAUSE WE HAD SUBSTANTIAL
INFORMATION INDICATING THAT AIM WAS GOING TO ENGAGE IN SOME ARMED
ACTIVITIES AND WE WERE INTERESTED IN PREVENTING VIOLENCE AND
POSSIBLE BLOODSHED. AT THAT TIME THE CUSTER RIOT WAS A MATTER OF
RECORD AND WE KNEW FROM POLICE DEPARTMENTS, INFORMANTS, AND PUBLIC
STATEMENTS THAT AN ARMED AIM BUILDUP WAS A REALISTIC POSSIBILITY. I
TOLD JUDGE NICHOL THAT [REDACTED]

[REDACTED]
I TOLD HIM THAT WE MOVED VERY QUICKLY IN THIS SITUATION. ONCE
[REDACTED]
[REDACTED]

IT WAS UNDER THIS ATMOSPHERE AND TENSION THAT THESE 302S WERE WRITTEN.
I SAID I KNEW FIRST HAND OF THE TREMENDOUS STRAIN THAT AN
END PAGE THREE

PAGE FOUR

[REDACTED]

[REDACTED] BECAUSE I HAD EXPERIENCED A SIMILAR SITUATION DURING MY VISITS INTO WOUNDED KNEE IN AN EFFORT TO NEGOTIATE RELEASE OF THE HOSTAGES. I TOLD THE JUDGE WHEN I GET ON THE STAND IN HIS COURTROOM TO TESTIFY HE MAY FIND MINOR DISCREPANCIES IN MY 302S. I TOLD HIM THAT ORDINARILY 302S DO NOT INVOLVE SUCH A TENSE SITUATION, BUT WHEN THEY DO, THEY MAY HAVE SOME DISCREPANCIES. JUDGE NICHOL RELATED THAT HE HAD NOT REALIZED THE STRAIN THAT [REDACTED] MAY HAVE BEEN EXPERIENCING DURING THEIR PREPARATION OF THE 302S.

b7F

3. JUDGE NICHOL SAID THAT IN THE MID 60'S HE VISITED WITH THE LATE DIRECTOR J. EDGAR HOOVER DURING A TRIP TO WASHINGTON AND SPENT OVER AN HOUR WITH HIM AND HE SAID MR. HOOVER TOLD HIM MANY THINGS. SOME YEARS LATER HE HAD OCCASION TO SEE MR. HOOVER AGAIN AND CONVERSED WITH HIM. MR HOOVER

END PAGE FOUR

PAGE FIVE

WAS NOT THE SAME MAN AND IN HIS (JUDGE NICHOL'S) VIEW, THE FBI SEEMED TO BE DETERIORATING AT THAT TIME. I ASKED JUDGE NICHOL WHAT SPECIFICALLY OCCURRED THAT LED HIM TO THIS CONCLUSION. JUDGE NICHOL STATED THAT HE JUST DID NOT FEEL THAT MR. HOOVER WAS IN ANY WAY AS ALERT DURING THIS SECOND CONVERSATION, AND HE JUST ASSUMED, THEREFORE, THAT HIS RUNNING OF THE FBI WOULD BE ADVERSELY EFFECTED. (MINNEAPOLIS FILE REFLECTS ONE MEETING BETWEEN MR. HOOVER AND JUDGE NICHOL AND THAT WAS ON 6/9/65.)

I ASKED JUDGE NICHOL HOW HE STANDS AT THIS TIME, THAT IS, DOES HE HONESTLY FEEL THAT WE ARE INTENTIONALLY CONCEALING EVIDENCE IN THIS CASE AND DOES HE STILL FEEL THAT WE ARE DETERIORATING. HE SAID THAT HE DOUBTS THAT WE ENGAGED IN ANY DELIBERATE ATTEMPT TO CONCEAL OR ALTER EVIDENCE BUT THE FACT STILL REMAINS THAT A FULL DAY OF COURT WAS LOST BECAUSE WE PRODUCED THE WRONG DOCUMENT IN COURT. HE ALSO SAID THAT HE HAS RECEIVED SEVERAL TELEPHONE CALLS, ONE OF WHICH WAS FROM A JUDGE ON THE EIGHTH CIRCUIT COURT, TELLING HIM THAT HIS REMARKS ABOUT THE FBI WERE VERY APPROPRIATE.

END PAGE FIVE

PAGE SIX

HE SAID THE FBI CAN EXPECT MORE FEDERAL JUDGES TO CRITICIZE THEIR ACTIVITIES WHEN IN COURT.

I SUGGESTED TO JUDGE NICHOL THAT IF THERE IS SOME AREA OF OUR WORK THAT HE OR OTHER FEDERAL JUDGES FEEL SHOULD BE LOOKED INTO OR THAT WE SHOULD RE-EMPHASIZE CERTAIN AREAS OF TRAINING OF PERSONNEL, THAT I FELT CERTAIN THAT DIRECTOR KELLEY WOULD LIKE TO KNOW THIS. I TOLD HIM OF OUR DESIRE TO CONDUCT OUR AFFAIRS IN COURT IN A MANNER IN WHICH HE AND OTHER FEDERAL JUDGES WOULD FEEL MEET THE HIGHEST STANDARDS, AND I SAID THAT IF THERE IS OTHER CRITICISM OF THE FBI BY FEDERAL JUDGES, THAT I WOULD LIKE TO KNOW WHAT IT IS IN ORDER TO TAKE CORRECTIVE ACTION. HE SAID THAT IN THE NEAR FUTURE, THERE WILL BE A CONFERENCE OF ALL OF THE CHIEF JUDGES OF THE EIGHTH CIRCUIT COURT AND ALL OF THE EIGHTH CIRCUIT COURT JUDGES, AND THAT WOULD BE A GOOD PLACE FOR AN FBI REPRESENTATIVE TO APPEAR AND LISTEN TO WHATEVER COMMENTS THE JUDGES CARED TO MAKE ABOUT THE WAY THE FBI PREPARES ITS CASES FOR FEDERAL COURT. HE SAID HE

END PAGE SIX

PAGE SEVEN

WAS IN NO WAY IMPLYING THAT MOST OF THE JUDGES WOULD BE CRITICAL, BUT HE DID FEEL THAT IT WOULD BE OF GREAT BENEFIT TO THE FBI TO LISTEN TO THEIR REMARKS. I TOLD JUDGE NICHOL THAT I WOULD RECOMMEND TO DIRECTOR KELLEY THAT SOMEONE FROM THE FBI ATTEND THIS CONFERENCE.

THE CONVERSATION THEN TURNED TO THE QUESTION OF THE FBI FILES PERTAINING TO THE CURRENT TRIAL IN ST. PAUL. I EXPLAINED TO JUDGE NICHOL THE TREMENDOUS NUMBER OF ITEMS INVOLVED IN THIS INVESTIGATION AND I TOLD HIM THAT THE REVIEW OF THE 1A EXHIBITS SHOULD CERTAINLY SATISFY THE NEED TO ASSURE THAT ANY INFORMATION IN OUR FILES THAT COULD BE SUBJECT TO INSPECTION AND PRODUCTION HAS BEEN HANDLED. I TOLD HIM THAT THE REST OF OUR FILES CONCERN REPORTS, WHICH THE USA HAS, AND THE VAST MAJORITY OF THE OTHER COMMUNICATION ARE INTRA-FBI CORRESPONDENCE, SUCH AS TELETYPES, MEMOS, LETTERS, ETC. HE TOLD ME THAT HE HAD NO INTENTION OF LETTING THE DEFENSE SEE ANY OF THAT MATERIAL, BUT THAT HE DOES ANTICIPATE EXTENSIVE ARGUMENTS IN COURT ABOUT THIS POINT. I TOLD JUDGE NICHOL THAT SINCE HE HAS TESTIMONY ABOUT THE NATURE OF THESE FILES, HE MAY WISH TO COME AND SEE FOR HIMSELF AS TO THE LOCATION OF

END PAGE SEVEN.

PAGE EIGHT

THESE FILES AND HOW THEY ARE MAINTAINED. HE SAID HE WOULD CONSIDER THIS AND WOULD PROBABLY WANT TO ACCEPT THIS SUGGESTION.

JUDGE NICHOL SAID THAT HE HAD ONE VERY DEEP CONCERN ABOUT THE CURRENT TRIAL AND HE WAS MOST RELUCTANT TO BRING IT UP BUT IT HAS CAUSED HIM CONSIDERABLE WORRY. HE SAID THAT HE WONDERS WHETHER INDICTED AIM LEADER CARTER CAMP WAS IN FACT A FBI INFORMANT AS THE DEFENSE SEEMS TO IMPLY, BECAUSE IF THAT IS TRUE, THEN WE ARE INVOLVED IN AN AGENT PROVOCATEUR PROBLEM, WHICH WOULD NECESSITATE MUCH GREATER DISCLOSURE OF OUR FILES.

I TOLD JUDGE NICHOL THAT THERE IS NO AGENT PROVOCATEUR IN THIS CASE, THAT CARTER CAMP WAS NOT AND IS NOT A FBI INFORMANT AND IF THE DEFENSE IS CLAIMING THAT HE IS, THEY ARE FURNISHING FALSE INFORMATION. JUDGE NICHOL SAID THAT WHEN CARTER CAMP SHOT CLYDE BELLECOURT HE HAD ASSUMED THAT IT WAS BECAUSE CLYDE BELLECOURT FOUND OUT ABOUT CARTER CAMP'S INFORMANT STATUS WITH THE FBI. (BELLECOURT IS ALSO AN INDICTED AIM LEADER.)

I TOLD JUDGE NICHOL THAT WHEN ALL OF THE FACTS ARE PRODUCED IN COURT, HE WILL SEE THAT THE FIRST I HEARD OF THE TAKEOVER OF WOUNDED KNEE WAS AFTER IT OCCURRED, AND THAT NEITHER CARTER CAMP NOR ANYONE ELSE HAD TOLD US ABOUT IT BEFORE HAND
AND PAGE EIGHT

PAGE NINE

AND MOST CERTAINLY THE FBI DID NOT PROVOKE THAT INCIDENT. I TOLD HIM OF THE GREAT HARDSHIPS THAT THE BUREAU ENDURED AND OF THE FACT THAT I HAD ONLY SEVEN AGENTS WITH ME INITIALLY AND WE WERE TRYING TO HANDLE A PROBLEM INVOLVING SOME 150 ARMED MILITANTS. I SAID CERTAINLY IF WE KNEW THAT WOUNDED KNEE WAS GOING TO BE TAKEN OVER, WE WOULD HAVE TAKEN APPROPRIATE ACTION. JUDGE NICHOL SAID THAT HE WAS GREATLY RELIEVED TO LEARN THAT CARTER CAMP WAS NOT A FBI INFORMANT. I ALSO ASSURED HIM THAT NONE OF THE TOP AIM LEADERS THAT HAVE BEEN INDICTED ARE FBI INFORMANTS. I ALSO TOLD HIM THAT WE COME INTO COURT IN THIS CASE WITH CLEAN HANDS, THAT THERE ARE NO AGENT PROVOCATEURS, THERE ARE NO WIRETAPS, AND THERE IS NOTHING HERE THAT WE HAVE TO HIDE. ON THE OTHER HAND, THERE IS A GREAT DEAL OF SENSITIVE MATERIAL, THAT IS INFORMATION THAT SHOULD NOT BE MADE AVAILABLE TO THE PUBLIC IN OUR FILES. JUDGE NICHOL THEN COMMENTED THAT HE HAS REASON TO BELIEVE THAT ONE OF THE DEFENSE ATTORNEYS IN THIS CASE,



REFERRING BACK TO THE ARTICLE IN THE WASHINGTON POST, I TOLD JUDGE NICHOL THAT THAT ARTICLE WAS A DISSERVICE TO THE
END PAGE NINE

b6
b7c

PAGE TEN

THOUSANDS OF DEDICATED MEN AND WOMEN WHO WORK FOR THIS ORGANIZATION. I SAID IT HAS BEEN A MOST UNPLEASANT THING, NOT ONLY FOR THE EMPLOYEES, BUT FOR THEIR FAMILIES AND I HOPED THAT IF HE HAD ANY MORE CRITICISM OF THE FBI THAT HE WOULD LET ME KNOW IN PRIVATE SO THAT I COULD TAKE APPROPRIATE ACTION. I ASKED HIM SPECIFICALLY TO CONSIDER MAKING SOME FURTHER REMARKS IN OPEN COURT THAT WOULD CLARIFY THE PRIOR STATEMENTS HE MADE. HE AGREED THAT IT IS IMPORTANT FOR THE PUBLIC TO HAVE CONFIDENCE IN THE FBI AND HE WAS GLAD HAT WE WERE CONCERNED ABOUT HIS CRITICAL COMMENTS AND HE MIGHT MAKE A STATEMENT THAT WOULD TONE DOWN HIS CRITICISM.

JUDGE NICHOL SAID THAT HE WISHES THE MEDIA WOULD NOT EVEN BE IN THE COURTROOM, SINCE SOME OF THEM TEND TO DISTORT WHAT ACTUALLY OCCURS AND LSO BECAUSE HE THINKS THAT THE MEDIA IS BEING USED BY THE DEFENDANTS AND THE DEFENSE ATTORNEYS TO GAIN PERSONAL STATURE.

JUDGE NICHOL SAID THAT ANOTHER PROBLEM THE FBI CAN EXPECT IS THE CONSEQUENCES OF THE RECENT ANNOUNCEMENT ABOUT THE FBI'S HARRASSMENT OF BLACK MILITANTS. HE SAID THAT IT WAS "VERY STUPID" FO THE ATTORNEY GENERAL TO RELEASE THIS INFORMATION TO THE PUBLIC.

END PAGE TEN

JUDGE NICHOL ALSO STATED THAT HE DID NOT SEE HOW THE PUBLIC COULD HAVE CONFIDENCE IN ANY ORGANIZATION IN WASHINGTON INCLUDING THE FBI SINCE THE HEAD OF OUR GOVERNMENT REFERRING TO PRESIDENT NIXON IS THE "BIGGEST CROOK" IN THE COUNTRY.

LATER ON 3/9/74, THIS OFFICE AFTER WORKING AROUND THE CLOCK, IDENTIFIED THE INDIVIDUAL WHO MAILED ANTI-AIM LITERATURE TO JURORS IN THE WOUNDED TRIAL IN AN APPARENT EFFORT TO INFLUENCE THEM. USA ROBERT RENNER WAS ADVISED AND PROSECUTION AUTHORIZED. HE AGREED THAT JUDGE NICHOL SHOULD BE NOTIFIED. THIS WAS DONE AND JUDGE NICHOL TOLD ME BY PHONE HE WAS VERY PLEASED AT HOW PROMPTLY WE SOLVED THIS CASE.

SUBSEQUENT TO THE MEETING WITH JUDGE NICHOL, AUSA HURD WAS BRIEFED AS TO THE HIGHLIGHTS OF OUR DISCUSSION. MR. HURD SAID THE JUDGE HAD PREVIOUSLY INDICATED TO HIM THAT HE WAS SATISFIED THE FBI IS NOT INTENTIONALLY WITHHOLDING OR DISTORTING EVIDENCE IN THIS CASE. MR. HURD SAID HE KNEW OF NO CRITICISM OF THE FBI BY AN EIGHTH CIRCUIT COURT JUDGE BUT ASSUMED THAT JUDGE NICHOL WAS REFERRING TO CIRCUIT COURT JUDGE GERALD W. HEANEY WHO IS CLOSE TO JUDGE NICHOL.

END PAGE ELEVEN

PAGE TWELVE

ADMINISTRATIVE

SINCE MY DISCUSSION WITH JUDGE NICHOL WOULD BE OF INTEREST TO
U.S. ATTORNEY CLAYTON WHO IS IN CHARGE OF
THE WOUNDED KNEE PROSECUTION, I BELIEVE HE SHOULD BE FURNISHED
WITH A COPY OF THIS TELETYPE AND SUCH WILL BE DONE UACB.

END

PAW FBIHQ

CLR

F B I

Date: 3/11/74

Transmit the following in PLAINTEXT
(Type in plaintext or code)Via TELETYPE NITEL
(Priority)TO: SACS, DENVER
KANSAS CITY (157-2760)
SEATTLE (42-25812)

FROM: SAC, MINNEAPOLIS (42-11366) (RUC)

OO: SEATTLE.

RE KANSAS CITY TELETYPE TO DENVER, MARCH 8, 1974.

FOR INFORMATION OF RECEIVING OFFICES, AUSA [REDACTED]
SIOUX FALLS, SOUTH DAKOTA, ON MARCH 11, 1974, ADVISED THAT THE
PROSECUTION IS NOT PLANNING TO SUBPOENA CAPTIONED SUBJECT;
HOWEVER, IF INFORMATION CONCERNING HIS WHEREABOUTS IS KNOWN,
THE PROSECUTION WOULD APPRECIATE BEING KEPT ADVISED.

[REDACTED] INDICATED SUBJECT COULD BE CALLED AS A REBUTTLE
WITNESS FOR THE GOVERNMENT.

END. lead: locale [REDACTED]

and advise MP.

4 - Minneapolis

(1) - 70-6882 (1 - 70-7425) (1 - 70-6832-Sub P)

[REDACTED] wkb

(4)

Approved: _____

Special Agent in Charge

Sent _____ M Per _____

70-6882-1016

(Mount Clipping in Space Below)

Priest testifies about occupation

ST. PAUL, Minn. (AP) — A St. Paul District Court judge said a priest caught in the center of the accused on burglary, theft, Wounded Knee, S.D., assault, firearms violations and confrontation says he heard a conspiracy in the occupation few bursts of automatic fire that began Feb. 27, 1973, second night of the 71-day siege.

The 47-year-old priest said he was in the group of about a dozen local residents at the home of Mr. and Mrs. Clive Gildersleeve. It was one of several homes militants took over across from the Wounded Knee Trading Post. The government referred to the residents as "hostages" during the first few days.

Father Manhart testified Monday for a second day and was due back on the stand to finish examination by government and prosecution lawyers in the trial of two leaders of the American Indian Movement (AIM).

Dennis Banks, 41, St. Paul, and Russell Means, 34, Porcupine, S.D., are on trial in

government and Indian roadblocks.

The priest said the residents could have left then next day but they chose to remain, most to preserve their property.

Tensions rose between government and Indian forces in the second week, when negotiations were broken off and two Indians were wounded in an early evening gunfire exchange March 7. Next day, the Gildersleeves with aid of relatives hauled away what property they could and left the area.

Father Manhart and others also left. He'd spent nights sleeping on the kitchen floor, he said.

On cross-examination by defense attorney William Kunstler, the veteran of some 22 years at the parish testified

about Indians' religious customs and beliefs.

Kunstler also wanted to know whether he had converted non-Christian Indians to the Catholic faith.

The two sparred over that issue, with Father Manhart saying he didn't get the lawyer's point.

"Is one of your duties on the Pine Ridge Indian Reservation to convert people to Catholicism?" Kunstler asked.

"I do not understand that question," replied the priest.

Kunstler attempted another avenue, going over the traditional role of missionaries and probed: "Is one of your duties to attempt in any way to bring Indians into the Catholic religion?"

Father Manhart: "I cannot explain that in terms of my present office."

After more verbal fencing, the priest said, "No one becomes a Christian by persuasion... It is a work of the grace of God." He stated non-Christian Indians had never been converted through his ministry.

(Indicate page, name of newspaper, city and state.)

RAPID CITY
JOURNAL,
RAPID CITY,
S.D.

PAGE 2

Date:

3/5/74

Edition:

FINAL

Author:

Editor:

Title:

Character:

or

Classification:

Submitting Office:

☐ Being Investigated

9
4

70-6882-1017

70-6832 SUB K

157-3371

157-846

70-6864

157-1460

70-6882

(Mount Clipping in Space Below)

Residents could leave says AIM trial witness

ST. PAUL, Minn. (AP) — A church the evening a long witness in the trial of two caravan of cars approached alleged leaders of last year's Wounded Knee. He said a group, day, armed occupation of including up to a half dozen with Wounded Knee, S.D., said he shotguns or rifles, took over his church despite his protests. He and other local residents were told after the take-over they said that on orders of Means, his were "something like prisoners hands were bound behind his of war," but could still leave back and he was held in the anytime they wished. church balcony that night and early morning.

That was the account given Monday by the Rev. Paul Manhart, pastor of Sacred Heart Roman Catholic Church at the village which authorities said some 200 invaders took over on Feb. 27, 1973.

Dennis Banks, 41, St. Paul, and Russell Means, 34, Porcupine, S.D., leaders in the American Indian Movement (AIM), are on trial in U.S. District Court, facing 10-count indictments that include burglary, larceny, assault on federal officers and conspiracy. We wanted to.

Father Manhart testified Friday he was at his hilltop house. Also, if we go out of the house, we should be very careful not to be roaming around. He suggested when we go someplace we go with a guard and those things we observed.

Father Manhart said in addition to the local people, some in the occupying force jammed into the house. He said among the 15 or more persons he saw at his church the first night, he recognized no one as a Wounded Knee resident and only one from the Pine Ridge Indian reservation.

(Indicate page, name of newspaper, city and state.)

RAPID CITY
JOURNAL,
RAPID CITY,
S.D.

PAGE 3

Date: 3/4/74
Edition: FINAL
Author:
Editor:
Title:

Character:
or
Classification:
Submitting Office:

b6
b7C

Being Investigated

SEARCHED INDEXED
SERIALIZED FILED

FBI - MINNEAPOLIS

1- 157-846
1- 157-1460
1- 157-1458
1- 70-6832 SUB K
1- 70-6864
1- 70-6832

70-6882-

F B I

Date: March 7, 1974

Transmit the following in PLAINTEXT
(Type in plaintext or code)Via TELETYPE NITEL
(Priority)TO: DIRECTOR, FBI *MSI*

FROM: SAC, MINNEAPOLIS (70-6882) (P)

DENNIS JAMES BANKS, RUSSELL CHARLES MEANS,
CRIME ON INDIAN RESERVATION - BURGLARY, ETC.

RE BUREAU TEL 3/7/74.

I RETURNED FROM TESTIFYING AT SIOUX FALLS, SOUTH
DAKOTA, ON 3/7/74.

THE MINNEAPOLIS TRIBUNE FOR 3/7/74 CARRIED AN ARTICLE
CONCERNING JUDGE NICHOL'S CRITICAL COMMENTS OF THE FBI,
HOWEVER, THE ARTICLE ALSO POINTED OUT THAT AFTER THE COURT
SESSION OF 3/6/74, THE JUDGE WAS VISITED IN PRIVATE BY
ASSISTANT UNITED STATES ATTORNEY R. B. HURD AND
PHILIP ENLOW, ASSISTANT SPECIAL AGENT IN CHARGE. THE
ARTICLE QUOTED THE ASSISTANT SPECIAL AGENT IN CHARGE *as saying* THAT
HE TOLD THE JUDGE IN NO WAY HAS THE FBI ATTEMPTED TO
HIDE OR CONCEAL ANYTHING IN CONNECTION WITH HIS COURT ORDERS
~~OR~~ ^{OF} EVIDENCE THE DEFENSE HAS A RIGHT TO HAVE. THERE WAS
A MISUNDERSTANDING IN THE HANDLING OF THE CASE, AND AS
SOON AS WE FOUND THE ERROR, IT WAS CORRECTED AND THE
COURT WAS SO NOTIFIED.

1 - Minneapolis
JHT:mjf

Approved: *[Signature]*
Special Agent in Charge

Sent *11:02P* MPer *[Signature]*

F B I

Date:

Transmit the following in _____
(Type in plaintext or code)Via _____
(Priority)

PAGE TWO

MP 70-6882

THE ARTICLE QUOTED ASSISTANT UNITED STATES ATTORNEY R. D. HURD AS SAYING THAT ^{the} ASSISTANT SPECIAL AGENT IN CHARGE EXPLAINED TO THE JUDGE SOME OF THE PROBLEMS GENERATED DURING THE OCCUPATION OF WOUNDED KNEE AND IN GATHERING AND SORTING MASSIVE NUMBERS OF DOCUMENTS. HURD, ACCORDING TO THE ARTICLE, STATED THE JUDGE RESPONDED, "BASED ON THE TESTIMONY HE HEARD HE CONCLUDED THERE PROBABLY WAS NO INTENT TO HIDE IT..."

I THINK THE ABOVE IS THE BEST ^{that could be done at the time} ~~WE CAN DO AT THIS TIME~~ ^{minimizing} ~~SOLVING~~ THE ADVERSE PUBLICITY GENERATED BY JUDGE NICHOL'S INTEMPERATE REMARKS ^{of 3/6/74.}

AFTER COURT ^{RECESSED} ~~RELEASED~~ ON 3/7/74, I DISCUSSED WITH USA WILLIAM F. CLAYTON THE FEASIBILITY OF MY CONTACTING JUDGE NICHOL SO THAT HE COULD CLARIFY IN THE PUBLIC RECORD THE EXTENT AND INTENTION OF HIS REMARKS CONCERNING THE FBI. USA CLAYTON STATED THAT JUDGE NICHOL IS STILL HIGHLY UNREASONABLE^{ly} AND URGED THAT I NOT ENDEAVOR TO MAKE CONTACT WITH HIM AT THIS TIME.

THE MINNEAPOLIS STAR, A DAILY ^{Afternoon} ~~NEWSPAPER~~ IN MINNEAPOLIS,

Approved: _____
Special Agent in Charge

Sent _____ M Per _____

F B I

Date:

Transmit the following in _____
(Type in plaintext or code)Via _____
(Priority)

PAGE THREE

MP 70-6882

CARRIED A STORY ON 3/7/74, THAT NICHOL SAID IN OPEN COURT ~~THAT~~
TODAY THAT HE CONSIDERED HIS REMARKS CONCERNING THE FBI AS INTEN-
perate
~~PERATE~~ BUT HE WAS NOT GOING TO RETRACT IT.

IN ANOTHER TELETYPE BEING SUBMITTED THIS DATE, DETAILS
ARE BEING FURNISHED CONCERNING A COURT ORDER ISSUED BY
JUDGE NICHOL WHICH HAS A POTENTIAL FOR CAUSING SEVERE
PROBLEMS FOR MAINTAINING OUR FILES ON THE WOUNDED KNEE CASES.
WE ARE WORKING WITH THE USA'S OFFICE IN ATTEMPTING TO
COME UP WITH A WORKABLE PROCEDURE AND THIS IS A FURTHER
REASON WHY AT THIS TIME IT IS NOT ADVISABLE FOR ME TO
PERSONALLY SEE JUDGE NICHOL. JUST AS SOON AS POSSIBLE AND
PERHAPS ~~DURING THE~~ EARLY NEXT WEEK, I WILL ENDEAVOR TO
APPROACH JUDGE NICHOL *to see if he will publicly modify*
~~END.~~
his remarks concerning the FBI.

*End*Approved: _____
Special Agent in Charge

Sent _____ M Per _____

F B I

Date: MARCH 11, 1974

Transmit the following in PLAINTEXT
(Type in plaintext or code)Via TELETYPE URGENT
(Priority)

TO: DIRECTOR, FBI
(ATTENTION: [REDACTED] GENERAL CRIMES
UNIT, GENERAL INVESTIGATIVE DIVISION)
FROM: SAC, MINNEAPOLIS (70-6864) (P)

b6
b7C

DENNIS JAMES BANKS; RUSSELL CHARLES MEANS; CIR - BURGLARY;
ET AL; OO: MINNEAPOLIS.

ON SATURDAY, MARCH 9, 1974, [REDACTED]

[REDACTED] CAPTIONED INDIVIDUALS IN THEIR TRIAL WHICH
IS CURRENTLY GOING ON AT ST. PAUL, MINNESOTA, MET WITH AUSAs R. D.
HURD AND [REDACTED] WHO REPRESENT THE GOVERNMENT IN THE ABOVE
TRIAL, AND FBI PERSONNEL OF THE MINNEAPOLIS OFFICE IN THE
RECEPTION ROOM OF THE MINNEAPOLIS FBI OFFICE FROM 10:00 A.M.
UNTIL 6:00 P.M. TO REVIEW 1A EXHIBITS OF WOUNDED KNEE RELATED
FILES. THIS MEETING WAS HELD IN COMPLIANCE WITH AN ORDER OF
UNITED STATES DISTRICT COURT JUDGE FRED J. NICHOL DATED AUGUST
16, 1973, FOR DISCOVERY AND INSPECTION PURSUANT TO RULE 16,
FEDERAL RULES OF CRIMINAL PROCEDURE. DURING THE MARCH 9, 1974,
SESSION, THE 1A EXHIBITS ON THE FOLLOWING FILES WERE EXAMINED:

3 - Minneapolis
(1 - 70-6882) (1 - 70-6832 - Sub P)

RHW:sks

(3)

Approved: _____

Special Agent in Charge

Sent _____ M Per _____

U.S. Government Printing Office: 1972 - 455-574

70-6882-1020

F B I

Date:

Transmit the following in _____
(Type in plaintext or code)Via _____
(Priority)

PAGE TWO

MP 70-6864

MP 70-6832 - SUB F (SEVEN VOLUMES CONTAINING 117 1A ITEMS);

MP 70-6832 - SUB J (ROADBLOCK AND RADIO LOGS - ONE VOLUME
CONTAINING 33 1A ITEMS);MP 70-6832 - SUB D (EVIDENCE - TWO VOLUMES CONTAINING
57 ITEMS).ALL ITEMS WITH THE FOLLOWING EXCEPTIONS WERE EXAMINED BY
DEFENSE ATTORNEYS AFTER APPROVAL BY AUSA HURD:

(1) MAY 8, 1973, SEARCH TEAM LOG (TEAM NUMBER 4, C-5 AREA);

(2) NOTES OF [REDACTED] ASSISTANT ATTORNEY GENERAL,
RE HIS PARTICIPATION IN WOUNDED KNEE NEGOTIATIONS;(3) IDENTITY OF SOURCE (CI) WHO MADE AVAILABLE TO THE FBI
A COPY OF THE WOUNDED KNEE DEFENSE OFFENSE COMMITTEE FLYER.
FLYER WAS SHOWN TO DEFENSE ATTORNEYS;(4) NOTES OF [REDACTED] RELATING TO HIS PARTICI-
PATION IN WOUNDED KNEE NEGOTIATIONS;(5) EVIDENCE LOG OF ITEMS 1 - 42 GIVEN TO SOUTH DAKOTA
NATIONAL GUARD FOR RETENTION;

(6) LIST OF ITEMS SEIZED FROM MILITARY TYPE TRUCK BEARING

Approved: _____

Special Agent in Charge

Sent _____ M Per _____

F B I

Date:

Transmit the following in _____
(Type in plaintext or code)Via _____
(Priority)

PAGE THREE

MP 70-6864

UNITED STATES GOVERNMENT LICENSE OEO4959. (AUSA HURD DESIRES TO CHECK FURTHER ON THIS MATTER BEFORE POSSIBLE RELEASE TO DEFENSE ATTORNEYS.)

(7) MP 70-6832 - SUB J 1A - 12, 13, 16, 21, 22, 23, AND 24 - SURVEILLANCE LOGS.

XEROX COPIES FOR DEFENSE, AUSA, AND MINNEAPOLIS FBI WERE MADE OF ALL ITEMS REQUESTED WHICH WERE NOT EXCEPTED. IT IS ESTIMATED THAT AN ADDITIONAL 50 TO 75 HOURS WILL BE NECESSARY TO COMPLETE THE ABOVE TYPE REVIEW FOR THE REMAINING 1A EXHIBITS IN COMPLIANCE WITH THE COURT ORDER.

*A log of all items reviewed is
Retained by the mpls. office.*

END.

*Nothing of a critical or sensitive
nature was provided to Defense
attorneys.*

*AUSA Hurd stated no items
of significance were determined
at this meeting.*

Approved: _____

Special Agent in Charge

Sent _____ M Per _____

NR 003 AQ CODE

5:55PM NITEL FEBRUARY 11, 1974 GWR

TO: DIRECTOR, ATTN: INTD
DENVER
MILWAUKEE
MINNEAPOLIS
PHOENIX (157-1972)
PORTLAND (100-13186)
OKLAHOMA CITY
OMAHA (100-8746)
FROM: ALBUQUERQUE (157-770) 4P


FUND RAISING CONCERT FOR WOUNDED KNEE LEGAL DEFENSE FUND,
UNIVERSITY OF NEW MEXICO, ALBUQUERQUE, NEW MEXICO, FEBRUARY 9,
1974, EM - AIM. OO: ALBUQUERQUE.

ON FEBRUARY 11, 1974, A SOURCE WHO HAS FURNISHED
RELIABLE INFORMATION IN THE PAST ADVISED THAT CAPTIONED
CONCERT HELD AS SCHEDULED FROM JWCPP TO 10:00 PM ON CAPTIONED
DATE FOLLOWED BY POW WOW AT LOCAL JUNIOR HIGH SCHOOL.
SPONSORED BY ALBUQUERQUE INTERTRIBAL POW WOW CLUB. SOURCE
STATED AIM LEADERS RUSSELL MEANS AND DENNIS BANKS ARRIVED
END PAGE ONE

yellow cc to 157-3371
1-70-6864 (Barker)
1-157-846 "
1-70-6882 (Means)
1-157-1460 "

70-6882-1022
157-1976

SEARCHED	INDEXED
SERIALIZED	FILED
FEB 11	
FBI - MINN	



b6
b7c

AQ 157-770

PAGE TWO

AT APPROXIMATELY 9:30 AM, FEBRUARY 9, 1974, FROM DENVER WHERE THEY HAD BEEN INVOLVED IN A CONFERENCE WITH REPRESENTATIVES OF THE CIVIL RIGHTS COMMISSION REGARDING UNSPECIFIED PLANS FOLLOWING MEANS' LOSS OF ELECTION AT PINE RIDGE INDIAN RESERVATION, SOUTH DAKOTA. ALSO IN ATTENDANCE AT CAPTIONED CONCERT WAS MIKE HANEY, OKLAHOMA CITY AIM REPRESENTATIVE.

SOURCE STATED THAT THE CONCERT WAS ATTENDED BY APPROXIMATELY 2,000 INDIVIDUALS, AND IS IT UNKNOWN AS YET THE AMOUNT OF FUNDS RAISED FOR WOUNDED KNEE LEGAL DEFENSE.

SOURCE ADVISED THAT BANKS DEPARTED ALBUQUERQUE THE AFTERNOON OF FEBRUARY 10, 1974, WITH MEANS AND HANEY LEAVING SEPARATELY THE MORNING OF FEBRUARY 11, 1974. THE DESTINATION OF ALL THREE IS ST. PAUL, MINNESOTA.

SOURCE ADVISED THAT MARK LANE, AIM ATTORNEY, WIFE OF PEDRO BISSONETTE, CLYDE AND VERNON BELLECOURT WERE NOT IN ATTENDANCE AT THE CONCERT.

END PAGE TWO

AQ 157-770

PAGE THREE

SOURCE NOT FAMILIAR WITH DARREL O'ROURKE,
PHOENIX AIM LEADER, NOR OF PLANS FOR PHOENIX AIM SYMPOSIUM
"RED MAN SPEAKS."

SOURCE UNAWARE OF ANY PLANS FOR DEMONSTRATIONS
OR BOMBINGS OF U.S. EMBASSIES IN CONNECTION WITH WOUNDED KNEE
ANNIVERSARY, FEBRUARY 27, 1974, AND ALSO UNAWARE OF ANY PLANS
FOR TAKEOVER OF BIA OFFICE, ROSEBUD, SOUTH DAKOTA, WITHIN THE NEXT
TWO WEEKS.

ABOVE SOURCE ALSO NOT FAMILIAR WITH AIM CONNECTIONS
OR PLANS IN FOREIGN COUNTRIES.

OTHER LOGICAL SOURCES CONTACTED RELATIVE TO ABOVE
BUT COULD FURNISH NO PERTINENT INFORMATION.

ADMINISTRATIVE:

RE ALBUQUERQUE NITEL TO BUREAU, FEBRUARY 7, 1974,
END PAGE THREE

AQ 157-770

PAGE FOUR

CAPTIONED AS ABOVE; BUREAU AIRTEL TO ALBUQUERQUE, FEBRUARY 4, 1974, CAPTIONED "AIM"; PHOENIX NITEL TO BUREAU, FEBRUARY 7, 1974, CAPTIONED AS ABOVE; BUREAU NITEL TO ALBUQUERQUE, FEBRUARY 8, 1974, CAPTIONED "AIM"; MINNEAPOLIS NITEL TO BUREAU, FEBRUARY 9, 1974, CAPTIONED "RUSSELL CHARLES MEANS, EM - AIM, OO: MINNEAPOLIS."

FIRST SOURCE MENTIONED IS [REDACTED] OTHER

LOGICAL SOURCES MENTIONED ARE [REDACTED]

[REDACTED] NEW MEXICO STATE POLICE INTELLIGENCE,

ALBUQUERQUE; [REDACTED] BIA LAW AND ORDER, ALBUQUERQUE.

END.

FBI MP CLR DCW

b6
b7C
b7D

(Mount Clipping in Space Below)

AIM trial defense lawyers question paper's originality

ST. PAUL, Minn. (AP) — An FBI agent was summoned from Denver, Colo., by U.S. District Judge Fred J. Nichol to testify Wednesday in the trial of two American Indian Movement (AIM) leaders on a controversial exhibit the defense contends has been altered.

Nichol ordered Agent Boyd Adsit be summoned before a Catholic priest continues

testifying. Also called to try to clarify the matter was John Hoyt of the Minneapolis FBI bureau. The battle between government and defense attorneys came as the Rev. Paul Manhart was on the stand for a third day.

On trial for 10 felony charges stemming from last year's 71-day occupation of Wounded Knee, S.D., are Russell Means, 34, Porcupine, S.D., and Dennis Banks, 41, St. Paul.

The controversy concerned a statement Father Manhart said he read nine days after the siege began Feb. 27, 1973. The resolution of citizens of the district of Wounded Knee, urged that U.S. Marshals and FBI agents withdraw from roadblocks and let people come and go at will in the village.

The hassle started when the statement, with five pages of handwritten signatures, was

admitted as an exhibit. The defense maintains some notations had been added and demanded to see the original. Prosecution lawyers, contacting the Minneapolis FBI office, produced it.

A comparison showed several additions had been made. The custodian of the Minneapolis FBI files, Jack Hotherr, was called into court to explain the differences. When he couldn't say who had made the notations, Nichol decided the confusion could be clarified only by calling in Adsit.

Defense counsel Mark Lane said, "The government didn't produce an original. It produced a copy that has been altered. The jury would be totally confused."

The jury was not present while the arguments were held.

(Indicate page, name of newspaper, city and state.)

RAPID CITY
JOURNAL
RAPID CITY
S.D.
PAGE 26

Date: 3/6/74
Edition: FINAL
Author:
Editor:
Title:

Character:
or
Classification:
Submitting Office:

☐ Being Investigated

SEARCHED	INDEXED
SERIALIZED	FILED
FBI — MINNEAPOLIS	

b6
b7C

157-1458
100-16943
157-846
70-6864
157-1460
✓ 70-6882-1023
70-6832 SUB K

SAC, MINNEAPOLIS

3/11/74

SA [REDACTED]

b6
b7c

RUSSELL CHARLES MEANS;
DENNIS JAMES BANKS
CIR

On 3/11/74, SA [REDACTED] St. Paul, Minnesota, advised that an FD-302 for [REDACTED] which would probably be contained in a 157 file showing the results of an interview by SAs [REDACTED] in January, 1974, was needed in St. Paul.

SA [REDACTED] requested on the same date that the FD-302 for [REDACTED] regarding the burning of the Sacred Heart Catholic Church be located and sent immediately to St. Paul.

SA [REDACTED] took the [REDACTED] FD-302 to St. Paul on 3/11/74, and he also took five FD-302s for [REDACTED] to St. Paul on the same date. Two of these FD-302s originated in 70-7844 and the others in 70-6832-Sub EE.

4 - Minneapolis

(1 - 157- 1854)

(1 - 70- 6882

(1 - 70- 6884

(1 - 70-7844)

RUSSELL MEANS)
DENNIS BANKS)

[REDACTED] wkb

(4)

70-6882-1024

SEARCHED	INDEXED
SERIALIZED	FILED
MAR 12 1974	
FBI - MINNEAPOLIS	

[REDACTED]

SAC, MINNEAPOLIS (70-6864) (P)

3/13/74

SA [REDACTED]

b6
b7c

DENNIS JAMES BANKS;
RUSSELL CHARLES MEANS;
CIR - BURGLARY, ETC.

Re Minneapolis teletype to WFO dated 3/13/74
and WFO telcall to Minneapolis 3/13/74.

On 3/13/74 SA [REDACTED] advised that prosecution
needed to know any information that could be obtained
from Deputy USM [REDACTED] concerning the installation
of the telephone between village of Wounded Knee, South
Dakota, and roadblock one.

On 3/13/74 Agent [REDACTED] WFO, interviewed
Deputy USM [REDACTED] and the following paragraphs
are essentially what [REDACTED]

During the second week of March, 1973, the
Indian leaders in the village of Wounded Knee (not
further described) and RALPH ERICKSON, then senior
negotiator for the U.S. Government, along with WAYNE
COLBURN, Director, USM Service, agreed to install a
telephone from the Command Post at Pine Ridge, South
Dakota, to the village of Wounded Knee. Purpose of this
installation was to help facilitate better communications
between the negotiators and the insurgents in order to
reduce or eliminate any killings.

The authorization to install this communication
facility was orally given by RALPH ERICKSON and WAYNE
COLBURN, supra, to [REDACTED] to coordinate the installation
from the Command Post to Wounded Knee. [REDACTED] coordinated
with one [REDACTED], Bison State Telephone Company.

2 - Minneapolis
(1 - 70-6882)

SKS

(2)

1cc - 70-6882

70-6882-1026

SEARCHED	INDEXED
SERIALIZED	FILED
MAR 14 1974	
FBI - MINNEAPOLIS	

[REDACTED]

MP 70-6864

All arrangements for this installation were made through and with [redacted] entered Wounded Knee and established the installation there and at the Command Post. This installation lasted a couple of days at which time the lines were shot down by WILSON's people. The lines remained down until approximately 4/1/73 at which time they were re-installed again by [redacted] because RUSSELL MEANS, AIM National Chairman, was going to Washington, D.C. to speak to someone connected with the Government and if all went well, he was to return the call to the village to tell them to lay down their weapons. For some reason or other, this did not work out and the lines were disconnected, [redacted] presuming this was done at the Bison State Telephone Company Headquarters. However, the lines were not taken down at this time. This is the only line that [redacted] is aware of and that it was a Government line in that the Government leased and paid for it.

b6
b7c

The line ran from the Command Post to the village with an extension at Roadblock One. This extension, as the one in the village and the one at the Command Post, was capable of receiving and transmitting telephone calls all along the same line. It was established at Roadblock One so that the Government personnel there would know what was going on.

[redacted] has the toll records and the billings for this telephone at his Headquarters in Washington, D.C. and can document many abuses of the telephone line through his records.

[redacted] will review his records and notes on 3/14/74 and make any appropriate clarifications to what he has already told Agent [redacted] advised that if a subpoena is necessary, it should be directed to the custodian of the records at the time of the Wounded Knee takeover and for the records themselves. He advised that he would be this custodian.

SAC, MINNEAPOLIS (70-6864) (P)

3/13/74

SA []

b6
b7C

DENNIS JAMES BANKS;
RUSSELL CHARLES MEANS;
CIR - BURGLARY, ETC.

SA [] advised on 3/13/74 that the Defense is planning to present a motion in U. S. District Court, St. Paul, Minnesota, on behalf of the above captioned subjects, stating that the Government established an illegal wiretap at Roadblock One. [] Bison State Telephone Company, was one telephone company official who was present when the telephone lines were installed and is also apparently the person through whom this installation was made.

For information, somewhere toward the beginning of the Wounded Knee takeover, a telephone line was established between the village of Wounded Knee and Roadblock One. It is thought that Deputy USM [] made the arrangements for the Government and that [] was the telephone company representative.

LEADS

MINNEAPOLIS

AT PINE RIDGE, SOUTH DAKOTA

Will interview [] with respect to the installation of the telephone line between the village of Wounded Knee, the Command Post, and Roadblock One. It should be determined from him who authorized the installation, when it was made, who made it, where it was made, who paid for it, do records support these questions?, did anyone represent the Government at this time for the installation?, was he present during the installation?, what was installed at these points?, when were the lines disconnected?, by whom, and who authorized that and how?

2 - Minneapolis
(1) - 70-6882)
[] :sks
(2)

1cc - 70-6882

SEARCHED	INDEXED
SERIALIZED	FILED
MAR 14 1974	
FBI - MINNEAPOLIS	

F B I

Date: 3/13/74

Transmit the following in CODED
(Type in plaintext or code)Via TELETYPE IMMEDIATE
(Priority)

TO: SAC, WFO

FROM: SAC, MINNEAPOLIS (70-6864) (P)

DENNIS JAMES BANKS; RUSSELL CHARLES MEANS; CIR - BURGLARY.

RE MINNEAPOLIS TELCALL TO WFO, 3/13/74.

FOR INFORMATION OF WFO, ON 2/27/73, THE TOWN OF WOUNDED KNEE, SOUTH DAKOTA, WAS SEIZED BY AN AMERICAN INDIAN MOVEMENT (AIM) INSPIRED GROUP AND HELD UNTIL MAY 8, 1973. THE TOWN WAS SURROUNDED BY FEDERAL FORCES, INCLUDING USMS, AND FBI AGENTS. ALSO PRESENT THROUGHOUT THE INSURRECTION WERE REPRESENTATIVES OF THE COMMUNITY RELATIONS SERVICE (CRS) OF THE DEPARTMENT OF JUSTICE.

THE PINE RIDGE TELEPHONE COMPANY INSTALLED A TELEPHONE AT ROADBLOCK 1 ON APPROXIMATELY FEBRUARY 27, 1973. THE ARRANGEMENTS FOR THE INSTALLATION WERE MADE BY DUSM [REDACTED]

[REDACTED] IT IS THOUGHT THAT THESE ARRANGEMENTS WERE MADE AT THE REQUEST OF CRS REPRESENTATIVES.

WFO WILL CONTACT DUSM [REDACTED] AND DETERMINE COMPLETE FACTS SURROUNDING INSTALLATION OF TELEPHONE AT ROADBLOCK 1.

END.

2 - Minneapolis

Approved [REDACTED]

(1) - 70-6882)

wkb
(2) Special Agent in Charge

M

Per

70-6882-1027

Transmit attached by Facsimile - PLAINTEXT

Priority URGENT

To: Director (176-2401)
From: Minneapolis (70-6882)
Subject: RUSSELL CHARLES MEANS;
CIR

Date:

Time: Transmitted -

Received -

- ☐ Fingerprint Photo ☐ Fingerprint Record ☐ Map ☐ Newspaper clipping ☐ Photograph
☐ Artists Conception ☐ Other _____
☐ (6 min) ☐ (4 min)

b6
b7c

Special handling instructions:

Hand carry To

Approved

70-6882-1028

YDN PLAIN

909PM URGENT MARCH 8, 1974 ENH

TO DIRECTOR (100-462483)

MINNEAPOLIS

FROM DENVER (157-29) (P) 4P

RUSSELL CHARLES MEANS; DENNIS JAMES BANKS. AIM

ABOVE CAPTIONED SUBJECTS OBSERVED TO ARRIVE STAPLETON INTERNATIONAL AIRPORT (SIA), DENVER, BY SA OF FBI ON WESTERN AIRLINES FLIGHT 479 FROM ST. PAUL, MINNESOTA. HEY WERE MET AT SIA BY APPROXIMATELY 60 AMERICAN INDIANS, MANY RECOGNIZED AS MEMBERS AND SUPPORTERS OF AIM. SEVERAL UNKNOWN INDIAN INDIVIDUALS WEARING RED ARM BANDS ACTED AS SECURITY PATROL IN AIRPORT. OBSERVED WELCOMING SUBJECTS WAS VINCENT HARVIER, DIRECTOR, DENVER AIM CHAPTER. GROUP DEPARTED AIRPORT VIA PERSONAL AUTOS TO DENVER INDIAN CENTER.

END PAGE ONE

70-119-1028

SEARCHED	INDEXED
SERIALIZED	FILED
MAR 11 1974	
FBI - MINNEAPOLIS	

[Redacted Box]

b6
b7C

yellow copy to 70-658 (B-6)

done

~~1-157-1459 (V. Bellman)~~

~~1-157-846 (Banks)~~

~~1-157-1460 (Means)~~

DN 157-529

PAGE TWO

SOURCE WHO HAS FURNISHED RELIABLE INFORMATION IN THE PAST STATED APPROXIMATELY 360 PERSONS HALF INDIANS AND EQUAL NUMBER OF CHICANOS AND WHITES ATTENDED THE MEETING AT DENVER INDIAN CENTER. SOURCE STATED SUBJECTS GAVE SPEECHES CONTAINING STATEMENTS AGAINST THE U.S. GOVERNMENT AND CLAIMED THEIR TRIAL IN ST. PAUL AS A MOCKERY OF JUSTICE. MEANS STATED IT WAS A MOCKERY TO PROSECUTE THE NATIVE AMERICANS WHO ARE THE ORIGINAL LANDLORDS OF THIS COUNTRY. BOTH MEANS AND BANKS URGED UNITY OF THE MEXICAN AMERICANS AND INDIANS AND ACKNOWLEDGED SUPPORT BOTH IN PERSON AND BY MATERIALS AND SUPPLIES WHICH HAD BEEN FURNISHED BY CHICANOS IN THE PAST. ALSO SPEAKING WAS [REDACTED] WHOM SOURCE STATED WAS INVOLVED IN THE WOUNDED KNEE TAKEOVER BY AMERICAN INDIANS AND [REDACTED] CRUSADE FOR JUSTICE. THE LATER [REDACTED]

[REDACTED]

b6
b7C
b7D

END PAGE TWO

DN 157-529

PAGE THREE

AT THE INDIAN CENTER, SOURCE OBSERVED AN INDIAN MALE WHO
USES THE [REDACTED]

[REDACTED] ARIZONA, DEPUTY SHERIFF [REDACTED] SOURCE
ALSO OBSERVED VERNON BELLECOURT IN THE COMPANY OF TWO YOUNG
INDIAN FEMALES AT THE INDIAN CENTER, HOWEVER HE DID NOT SPEAK.
SOURCE FURTHER ADVISED MEANS AND BANKS ARE TRAVELING TO BOULDER,
COLORADO, THIS DATE TO SPEAK ON THE CAMPUS OF THE UNIV. OF COLO.
AND SOURCE BELIEVES THEIR SPEECHES WILL BE ALONG THE SAME LINES
AS THEY GAVE AT THE INDIAN CENTER. NO DISTURBANCES AT THE SIA
OR INDIAN CENTER, HOWEVER, SOURCE STATED TENURE OF TALK WAS QUITE
MILITANT AND ANTI-GOVERNMENT IN NATURE.

b6
b7C
b7D

ADMINISTRATIVE :

AGENT OBSERVING MEANS AND BANKS ARRIVING AT SIA WAS [REDACTED]

[REDACTED] SOURCE DESCRIBED IN TELETYPE IS [REDACTED] AMONG
INDIVIDUALS [REDACTED] MEANS AND BANKS WAS

END PAGE THREE

DN 157-529

PAGE FOUR

[REDACTED] ALSO OBSERVED MEETING

SUBJECTS WAS INDIVIDUAL DRIVING A [REDACTED]

[REDACTED] THIRD INDIVIDUAL WAS DEPARTING SIA IN [REDACTED]
[REDACTED]

AS BANKS AND MEANS TRANSPORTED FROM SIA TO INDIAN CENTER
BY KNOWN DENVER AIM MEMBERS, SURVEILLANCE WAS DISCONTINUED AT
SIA.

BUREAU AND INTERESTED OFFICES WILL BE KEPT ADVISED.

END

DCW

FBI MP CLR TU

b6
b7C
b7D

March 14, 1974

AIRTEL

AIRMAIL

TO: DIRECTOR, FBI
ATTENTION [REDACTED] GENERAL CRIMES UNIT,
CRIMINAL SECTION, GENERAL INVESTIGATIVE DIVISION

FROM: SAC, MINNEAPOLIS (70-6332 - Sub P)

SUBJECT: DENNIS JAMES BANKS;
RUSSELL CHARLES MEANS
CIR - BURGLARY

b6
b7C

Reference Minneapolis facsimile to the Bureau dated March 14, 1974.

Enclosed for the Bureau are two copies each of two motions filed by defense counsel for DENNIS JAMES BANKS and RUSSELL CHARLES MEANS on March 14, 1974.

The enclosed two motions are for the information of the Bureau.

The Bureau will be kept advised by Minneapolis of developments as the trial progresses and those actions taken by the United States Attorney in answer of these motions.

2 - Bureau (Enclosures 4)
3 - Minneapolis
(1 - 70-6332) (1 - 70-6364)
[REDACTED] :mjf
(5)

70-111-1029

F B I

Date: MARCH 15, 1974

Transmit the following in PLAINTEXT *Coded*
(Type in plaintext or code)Via TELETYPE NITEL
(Priority)

TO: DIRECTOR, FBI

(ATTENTION:)

GENERAL CRIMES

UNIT, GENERAL INVESTIGATIVE DIVISION)

FROM: SAC, MINNEAPOLIS (70-6864) (P)

RUSSELL CHARLES MEANS; DENNIS JAMES BANKS; CIR - BURGLARY,
LARCENY, ETC.

WOUNDED KNEE LEADERSHIP TRIALS, ST. PAUL, MINNESOTA.

RE MINNEAPOLIS TELCALL TO THE BUREAU MARCH 15, 1974, AND
MINNEAPOLIS FACSIMILES (3) TO BUREAU MARCH 15, 1974.

AS THE BUREAU IS AWARE, ON MARCH 14, 1974, DEFENSE ATTORNEYS
FOR DENNIS BANKS AND RUSSELL MEANS FILED A MOTION IN UNITED
STATES DISTRICT COURT, ST. PAUL, MINNESOTA, ALLEGING THAT THE
TELEPHONE USED BY CAPTIONED SUBJECTS DURING MARCH AND APRIL,
1973, FOR THE PURPOSE OF CONDUCTING CONFIDENTIAL COMMUNICATIONS
BETWEEN CAPTIONED SUBJECTS AND THEIR ATTORNEYS, WAS ILLEGALLY
TAPPED. THE MOTION DEMANDS THE CASE AGAINST MEANS AND BANKS
PRESENTLY BEING HEARD IN UNITED STATES DISTRICT COURT BE DISMISSED.

② - Minneapolis
(1) - 70-6882)

sks

(2)

70-6882-1030

Approved: _____

Special Agent in Charge

Sent _____ M Per _____

F B I

Date:

Transmit the following in _____
(Type in plaintext or code)Via _____
(Priority)

PAGE TWO

MP 70-6864

MINNEAPOLIS OFFICE CONDUCTED AN IMMEDIATE REVIEW OF THE WOUNDED KNEE MAIN FILE UP TO AND THROUGH MAY 16, 1973, LOCATING THREE MEMORANDA, AS FURNISHED IN REFERENCED FACSIMILES, ~~ARE THE ONLY ITEMS LOCATED CONNECTED WITH THIS SITUATION.~~ REVIEW *continuing* ~~CONDUCTED INTO MARCH 15, 1974.~~

ON MARCH 15, 1974, A SUBPOENA WAS ISSUED BY UNITED STATES DISTRICT COURT JUDGE FRED J. NICHOL TO SAC, MINNEAPOLIS, AS FOLLOWS:

"BRING FBI ROADBLOCK NUMBER ONE TELEPHONE TAP AND INTERCEPT LOG, AND ALL DOCUMENTS, MEMOS, NOTES, TRANSCRIPTS, TAPE RECORDINGS, ETC., WHETHER REFERRED TO BY CODE NAMES SUCH AS INFORMANT T-1, OR ANY OTHER CODE NAMES, WHICH RECORD THE FACT OR THE CONTENTS OF ALL OR ANY PART OF, ANY TELEPHONE CONVERSATIONS OVERHEARD OR INTERCEPTED BY AGENTS OR OTHER EMPLOYEES OF THE FBI, OR OTHER EMPLOYEES OF THE UNITED STATES GOVERNMENT OR THEIR AGENTS OF CONVERSATIONS ON THE TELEPHONE LOCATED AT THE WOUNDED KNEE TRADING POST DURING THE PERIOD FEBRUARY 27, 1973, THROUGH MAY 8, 1973".

ADDITIONAL AGENTS REQUESTED BY AUSA TO TESTIFY IN THIS

Approved: _____

Special Agent in Charge

Sent _____ M Per _____

F B I

Date:

Transmit the following in _____
(Type in plaintext or code)

Via _____
(Priority)

PAGE THREE

MP 70-6864

SITUATION WILL BE HANDLED SEPARATELY.

END.

Approved: _____
Special Agent in Charge

Sent _____ M Per _____

392 Federal Building U. S. Court House
110 South 4th Street
Minneapolis, Minnesota 55401

MP 70-6864
MP 70-6882
MP 70-7425

March 15, 1974

Honorable William F. Clayton
United States Attorney
Federal Building
Sioux Falls, South Dakota 57101

Attention: Mr. [redacted]
Assistant U. S. Attorney

b6
b7C

Dear Sir:

On Monday, March 11, 1974, during a conversation between Assistant U. S. Attorney [redacted] of your office and Special Agent [redacted] of this office, it was learned that [redacted] would not be called as a prosecution witness but may be called by the prosecution for rebuttal. Mr. [redacted] indicated to Mr. [redacted] that if the FBI could determine the present location of Mr. [redacted] he would appreciate being advised of this.

On March 11, 1974, our Denver Office advised that [redacted] Colorado, on [redacted] we have been further advised by [redacted] Personnel Control Facility, [redacted] Colorado, that [redacted] South Dakota. Thereafter, he is to return to [redacted] Colorado, for further assignment on or about [redacted]

If we may be of any further assistance in this matter, please let us know through Special Agents [redacted]
[redacted]

Very truly yours,

[redacted]
JOSEPH H. TRUMBACH
Special Agent in Charge

3 - Minneapolis (70-6864)
(70-6882) (70-7425)

[redacted] rfr
[redacted]

1031

NR 010 MP CODED

7:15PM URGENT MARCH 13, 1974 DCW

TO DIRECTOR, PAW

FROM MINNEAPOLIS (70-6882) 2P

RUSSELL CHARLES MEANS; DENNIS JAMES BANKS; CIR - BURGLARY, ET AL.

WOUNDED KNEE LEADERSHIP TRIAL, ST. PAUL, MINNESOTA.

TODAY DEFENSE ATTORNEYS INFORMED UNITED STATES DISTRICT JUDGE FRED J. NICHOL IN HIS CHAMBERS THEY WERE PREPARING A MOTION FOR THE DISMISSAL OF CAPTIONED CASE ON THE GROUNDS OF ILLEGAL WIRETAP. DEFENSE ATTORNEYS ALLEGE THAT UNITED STATES MARSHAL

[REDACTED] WHILE ASSIGNED TO WOUNDED KNEE CASE AT PINE RIDGE, SOUTH DAKOTA, CONTACTED [REDACTED], BISON STATE TELEPHONE, PINE RIDGE, SOUTH DAKOTA, AND TOLD [REDACTED] THAT HE WANTED A

TELEPHONE EXTENSION, REFERRED TO BY DEFENSE ATTORNEYS AS "BUG" PLACED ON TELEPHONE LINE LEADING OUT OF WOUNDED KNEE FOR TELEPHONE IN WOUNDED KNEE TRADING POST. THIS WAS THE ONLY TELEPHONE LINE OPERATIVE OUT OF WOUNDED KNEE DURING THE OCCUPATION. DEFENSE ALLEGES THAT THIS EXTENSION TELEPHONE WAS MONITORED BY FBI AGENTS DURING ENTIRE OCCUPATION WHICH WOULD BE A WIRETAP VIOLATION.

JUDGE NICHOL STATED HE WANTS THIS MATTER EXPLORED IN DETAIL AND THAT APPROPRIATE GOVERNMENT OFFICIALS BE CONTACTED. IT SHOULD BE

END PAGE ONE

70-6882-1032

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NOTED THAT FOLLOWING SACS WERE AT PINE RIDGE, SOUTH DAKOTA,
DURING THE PERIOD OF TIME IN QUESTION:

SAC HERBERT HOXIE, MILWAUKEE DIVISION; SAC ROBERT EVANS,
BUTTE DIVISION; SAC ROY K. MOORE, JACKSONVILLE DIVISION; SAC
RICHARD G. HELD, CHICAGO DIVISION; SAC WILBUR DE BRULER,
OKLAHOMA CITY DIV.; VERN S. LOETTERLE, LAS VEGAS DIV. IN
ADDITION, ALL SPECIAL AGENTS WHO WERE ASSIGNED TO WOUNDED KNEE
SPECIAL AT PINE RIDGE, SOUTH DAKOTA, SHOULD BE POLLED AND ASKED:
(1) IF THEY SERVED ON ROADBLOCK ONE ; (2) IF THEY DID SERVE ON
ROADBLOCK ONE THEY SHOULD BE ASKED IF THEY WERE AWARE OF PARTY
LINE TELEPHONE AT THE ROADBLOCK; (3) AND IF THEY EVER UTILIZED
THIS TELEPHONE AND IF SO FOR WHAT PURPOSE; (4) IF THEY EVER HEARD
OR INTERCEPTED CONVERSATION ON THIS TELEPHONE. IF SO, FURNISH
COMPLETE DETAILS. SHOULD BE NOTED BY SAS THAT INTERCEPT COULD BE
GROUNDS FOR MOTION OF DISMISSAL.

ALL OFFICES REQUESTED TO SUTEL RESULTS TO MINNEAPOLIS
DIVISION WITHIN 24 HOURS.

SACS, MILWAUKEE, BUTTE, LAS VEGAS, OKLAHOMA CITY, JACKSONVILLE
AND CHICAGO REQUESTED TO ADVISE OF POSITIVE RECOLLECTION
CONCERNING THIS TELEPHONE.

WASHINGTON FIELD IMMEDIATELY INTERVIEW U.S. MARSHAL

AND DIRECTOR USM SERVICE WAYNE COLBURN.

"BUREAU IS REQUESTED TO ADVISE ALL CONTINENTAL OFFICES."

END.

PAW FBIHQ

CLR

b6
b7c

F B I

Date: 3/15/74

006

Transmit the following in PLAINTEXT *Code*
(Type in plaintext or code)Via TELETYPE URGENT
(Priority)

TO: DIRECTOR, FBI — *MES*
ATTENTION:
GENERAL CRIMES UNIT,
CRIMINAL SECTION,
GENERAL INVESTIGATIVE DIVISION

b6
b7c

FROM: SAC, MINNEAPOLIS (70-6882) (P)

RUSSELL CHARLES MEANS; DENNIS JAMES BANKS; CIR - BURGLARY
ET AL; WOUNDED KNEE LEADERSHIP TRIALS, ST. PAUL, MINNESOTA.

RE MINNEAPOLIS NITEL DATED MARCH 14, 1974.

RE NITEL REPORTED DEFENSE ATTORNEYS HAD FILED TWO MOTIONS;
THE SECOND MOTION REQUESTED AN EVIDENTIARY HEARING REGARDING
THE "GOVERNMENT'S ILLEGAL TAPPING" OF A TELEPHONE BEING USED
BY THE DEFENDANTS DURING THE OCCUPATION OF WOUNDED KNEE.

AUSA R. D. HURD HAS REQUESTED ASSISTANCE IN PRESENTING THE
FACTUAL WAY OF ESTABLISHING A LEGAL TITLE III REQUEST. HE STATED
THAT HE FELT THAT THIS WAS ESSENTIAL IN HIS ARGUMENTS AGAINST
THE MOTION. HE ALSO REQUESTED ~~THE~~ THE PROCEDURE IN ESTABLISHING
A TITLE III AND HOW, AFTER APPROVED, THE OPERATION IS MONITORED.
THE BUREAU IS REQUESTED TO CONSIDER MR. HURD'S REQUEST AND ALSO
TAKE INTO CONSIDERATION THE QUESTION RELATIVE TO THE EXPOSING
OF OUR TECHNICAL PROCEDURES IN THE ACTUAL MONITORING, RECORDING

1 - Minneapolis
PEE:dlk (1)
Approved:

Spe

Sent

70-6882-1033
4:20 P M Per *[Signature]*

F B I

Date:

Transmit the following in _____
(Type in plaintext or code)

Via _____
(Priority)

PAGE TWO.

AND REPORTING OF THE RESULTS OF A TITLE III. THE BUREAU IS
REQUESTED TO ADVISE IF A TECHNICAL SOUND TRAINED AGENT SHOULD
BE CONSIDERED OR WHO SHOULD BE USED TO TESTIFY IN THIS REQUEST.
END.

Approved: _____
Special Agent in Charge

Sent _____ M Per _____

NR001 WF CODE

4:30PM NITEL MARCH 16, 1974 ALM

b6
b7c

TO: SAC, MINNEAPOLIS, (70-6864)

FROM: SAC, WFO (157-6209)

RUSSELL CHARLES MEANS; DENNIS JAMES BANKS, CIR-BURGLARY,
ET AL (OO:MP).

RE WFO AND CHICAGO TELETYPES TO BUREAU, MARCH 15, 1974.

SEALED ENVELOPE, THE CONTENTS OF WHICH WERE DESCRIBED IN
REFERENCED WFO TELETYPE, HAS BEEN GIVEN TO U.S. MARSHAL

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b7c

FOR DELIVERY TO MINNEAPOLIS DIVISION.

IS SCHEDULED TO ARRIVE AT MINNEAPOLIS-ST. PAUL
AIRPORT AT 1:55 P.M., MARCH 17, 1974, VIA UNITED AIRLINES
FLIGHT 561.

MINNEAPOLIS WILL MEET AT THE AIRPORT. WILL REMAIN
AT THE CLOSEST POINT WHERE PEOPLE ARE PERMITTED TO MEET INCOMING
FLIGHTS, UNTIL CONTACTED BY AGENTS. MINNEAPOLIS OBTAIN ENVELOPE
AND HANDLE PER INSTRUCTIONS IN REFERENCED WFO LETTER. call

SPECIAL AGENTS

HAVE BEEN CONTACTED AS REQUESTED IN REFERENCED CHICAGO
LETTER. BUT COULD FURNISH NO POSITIVE INFORMATION.

END

FBI MP...CLEAR

DSC

meet him
for
with
He may
need a
ride
down
when
you
drop
it off
at
office

3/16/74
4 pm
Copies to

70-6832-52
70-6832-1034

F B I

Date: MARCH 14, 1974

Transmit the following in C O D E D
(Type in plaintext or code)Via TELETYPE NITEL
(Priority)

TO: DIRECTOR, FBI (ATTENTION: GENERAL
CRIMES UNIT, CRIMINAL SECTION, GENERAL
INVESTIGATIVE DIVISION)

b6
b7C

FROM: SAC, MINNEAPOLIS (70-6864) (P)

DENNIS JAMES BANKS; RUSSELL CHARLES MEANS; CIR - BURGLARY,
ETC.; WOUNDED KNEE LEADERSHIP TRIALS, ST. PAUL, MINNESOTA.

DURING COURT SESSION IN U.S. FEDERAL DISTRICT COURT,
ST. PAUL, MINNESOTA, ON MARCH 14, 1974, U.S. FEDERAL DISTRICT
JUDGE FRED J. NICHOL SEVERLY ADMONISHED AUSA R. D. HURD FOR HIS
ACTIONS DURING COURT ON THE AFTERNOON OF MARCH 13, 1974.

DURING THE LATE AFTERNOON OF MARCH 13, 1974, DEFENSE COUNSEL
 WAS CROSS EXAMINING A DEPUTY USM WHO HAD BEEN
CALLED AS A GOVERNMENT WITNESS AND TESTIFIED TO GUNFIRE FROM
WOUNDED KNEE, SOUTH DAKOTA, DURING FEBRUARY 28, 1973.
ASKED THE DEPUTY USM A QUESTION TO THE EFFECT OF - DID YOU
CONSIDER YOUR ROLE AS A MARSHAL IN WOUNDED KNEE THE SAME AS THE
ROLE OF THE SEVENTH CAVALRY WHO CAME TO THE AID OF WHITE RANCHERS

2 - Minneapolis
(1 - 70-6882)

sks

(2)

70-6864-1035

h
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Approved: _____ Sent _____ M Per _____

Special Agent in Charge

U.S. Government Printing Office: 1972 - 455-574

F B I

Date:

Transmit the following in _____
(Type in plaintext or code)Via _____
(Priority)

PAGE TWO

MP 70-6864

Hurd has the
IN 1890, ~~AT THIS POINT~~, AUSA HURD ROSE TO OBJECT ~~(HURD HAD A~~
~~RABBIT PRECEDING VOICING AN OBJECTION OF SAYING AH AH,~~
~~NERVOUS HABIT OF SAYING "HA HA" PRECEDING AN OBJECTION)~~. AT
THIS POINT, DEFENDANTS BANKS AND MEANS JUMPED UP AND LOUDLY
ACCUSED HURD OF LAUGHING AT THE WOUNDED KNEE MASSACRE. THIS
CAUSED A GENERAL CONFUSION WITH ALL DEFENSE COUNSEL SHOUTING
AND JUDGE NICHOL ADJOURNED COURT FOR THE DAY.

JUDGE NICHOL IN HIS ADMONISHMENT OF HURD TOLD THE JURY THAT
THE DEFENDANTS HAD BEEN CORRECT IN THEIR OUTBURST AND INSTRUCTED
HURD TO APOLOGIZE TO THE DEFENDANTS AND TO THE JURY, WHICH HE
DID.

DURING THE MORNING OF MARCH 14, 1974, DEFENSE ATTORNEYS
FOR BANKS AND MEANS FILED TWO MOTIONS. THE FIRST MOTION REQUESTED
JUDGE NICHOL ISSUE A RESTRAINING ORDER AGAINST ALL FEDERAL POLICE
AGENCIES FROM INTERVIEWING AND INTIMIDATING FUTURE DEFENSE WITNESSES

[REDACTED] BISON STATE TELEPHONE COMPANY, AND
[REDACTED]

THE SECOND MOTION FILED BY THE DEFENSE REQUESTED AN
EVIDENTIARY HEARING REGARDING THE GOVERNMENT'S ILLEGAL TAPPING OF

Approved: _____

Special Agent in Charge

Sent _____ M Per _____

U.S. Government Printing Office: 1972 - 455-574

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Date:

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(Type in plaintext or code)Via _____
(Priority)

PAGE THREE

MP 70-6864

A TELEPHONE BEING USED BY THE DEFENDANTS DURING THE OCCUPATION OF WOUNDED KNEE.

DURING THE FILING OF THE ABOVE TWO MOTIONS, THE DEFENSE REQUESTED THAT JUDGE NICHOL REQUEST THE USAs GRANT [REDACTED] IMMUNITY FOR HIS TESTIMONY. THE GOVERNMENT ATTORNEYS ADVISED THAT THEY KNEW OF NO REASON THAT [REDACTED] HAVE IMMUNITY AND THAT ANY REQUEST FOR IMMUNITY WOULD HAVE TO BE MADE DIRECTLY TO THE DEPARTMENT OF JUSTICE. AT THIS POINT, DEFENSE ATTORNEY WILLIAM KUNSTLER POINTED OUT TO THE COURT THAT THE DEPARTMENT OF JUSTICE WOULD PROBABLY BE REPRESENTED IN THIS MATTER BY ASSISTANT ATTORNEY GENERAL HENRY PETERSON AND THE COURT WAS WELL AWARE OF PETERSON'S INVOLVEMENT IN WATERGATE. JUDGE NICHOL STATED TO THE EFFECT THAT SHOULD MR. PETERSON ATTEMPT TO EXERT INFLUENCE ON A WITNESS IN HIS COURT, HE WOULD SHOW PETERSON WHAT WOULD HAPPEN TO THE ENTIRE WOUNDED KNEE CASE.

DURING THE DISCUSSION, ATTORNEY KUNSTLER ADVISED THE COURT THAT DANIEL ELLSBERG WOULD BE IN ST. PAUL, MINNESOTA, ON MARCH 20, 1974, IN ORDER TO ADVISE THE JUDGE ON THE LEGALITY OF WIRE-

Approved: _____

Special Agent in Charge

Sent _____ M Per _____

F B I

Date:

Transmit the following in _____
(Type in plaintext or code)Via _____
(Priority)

PAGE FOUR

MP 70-6864

TAPPING, KUNSTLER ALSO ADVISED JUDGE NICHOL THAT HE HAD
AVAILABLE THE TRANSCRIPT OF THE ELLSBERG TRIAL IF THE JUDGE
WISHED TO REVIEW IT.

*Cross examination of Deputy USM [redacted]
[redacted] completed without incident.*

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Approved: _____ Sent _____ M Per _____

Special Agent in Charge

U.S. Government Printing Office: 1972 - 455-574

UNITED STATES OF AMERICA,

PLAINTIFF,

CR 73-5035

CR 73-5063

VS.

RUSSELL MEANS,

DEFENDANT.

ORDER

IT IS HEREBY ORDERED and directed that any and all files, and the contents thereof, relating in any manner whatsoever to the Wounded Knee incident of February 27, 1973 to May 8, 1973, and any of the criminal cases related thereto, presently in the custody and under the control of the Federal Bureau of Investigation shall be kept intact in toto and not removed, altered, destroyed or otherwise disturbed from their present location and condition until the further order of this Court.

IT IS FURTHER ORDERED AND DIRECTED that one attorney for each of the defendants together with one attorney for the government and the Special Agent of the Federal Bureau of Investigation in charge of said files, inspect all of the *other than Exempt 302's files and* contents thereof, except as set forth below.

IT IS FURTHER ORDERED AND DIRECTED that if the said Special Agent of the Federal Bureau of Investigation refuses to permit the above inspection as to any document or other material in

70-6882-1036

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

UNITED STATES OF AMERICA,

PLAINTIFF,

VS.

CR 73-5034

CR 73-5062

DENNIS BANKS,

DEFENDANT.

UNITED STATES OF AMERICA,

PLAINTIFF,

VS.

CR 73-5035

CR 73-5063

RUSSELL MEANS,

DEFENDANT.

ORDER

said files, the existence thereof shall be noted and said document or other material immediately delivered to this Court for an in camera inspection thereof and such further order as it may deem just and proper.

JUDGE OF U. S. DISTRICT COURT

March

May 6, 1974.

FBI

Date: 3/14/74

Transmit the following in PLAINTEXT
(Type in plaintext or code)Via TELETYPE URGENT
(Priority)

TO: DIRECTOR

FROM: PITTSBURGH (70-765) (RUC)

RUSSELL CHARLES MEANS; DENNIS JAMES BANKS;

CIR-BURGLARY, ET AL.

REURTEL MARCH 13, 1974.

SA [] WAS ASSIGNED TO WOUNDED KNEE SPECIAL
FEBRUARY 20 THROUGH APRIL 10, 1973. SA [] RESPONSES
TO NUMBERED QUESTIONS IN RETEL ARE AS FOLLOWS: (1) YES;
(2) NO; (3) NO; (4) NO.

SA ROBERT L. BRANNON, JR., WAS ASSIGNED TO WOUNDED
KNEE SPECIAL MARCH 13 THROUGH APRIL 3, 1973. SA BRANNON'S
RESPONSES TO QUESTIONS ARE AS FOLLOWS: (1) NO; (2) NO;
(3) NO; (4) NO.

IT IS NOTED ABOVE AGENTS WERE ASSIGNED TO OTHER
DIVISIONS AT TIME OF WOUNDED KNEE SPECIAL (SA [] TO
ST. LOUIS AND SA BRANNON TO DENVER), AND ONLY AGENT

1 - 52-3268

WNG:lg

(2)

TELETYPE

SEARCHED	INDEXED
SERIALIZED	FILED
MAR 14 1974	
FBI - MINNEAPOLIS	

70-6882-1037

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FBI

Date:

Transmit the following in _____
(Type in plaintext or code)

Via _____
(Priority)

PG 70-765
PAGE TWO

PERSONNEL SENT TO WOUNDED KNEE FROM PITTSBURGH DIVISION
WAS INSPECTOR CHARLES R. MC KINNON, FORMER PITTSBURGH ASAC
NOW ASSIGNED TO FBIHQ.

FEDERAL BUREAU OF INVESTIGATION

(1)

Date of transcription March 20, 1974b6
b7c

[redacted]
[redacted] South Dakota, was shown a copy of a document captioned "Resolution of Citizens of the District of Wounded Knee, South Dakota," dated March 3, 1973. This resolution demanded that the United States Government immediately permit the Indian citizens and their guests to go and come at will. This resolution contained five (5) pages of handwritten signatures.

Upon viewing this document, [redacted] identified a signature, [redacted] appearing on the third page of the signatures as being his. [redacted] advised he had signed a document on or about March 3, 1973, but that document was a request to have the United States Government forces surrounding Wounded Knee to move their perimeter farther away from the village. The request that he signed was typed on a single sheet of paper and there were blank sheets of paper attached to it. [redacted] placed his signature on one of the blank sheets.

[redacted] stated that he signed that document, because he was concerned for the safety of the older residents and children, who were still in Wounded Knee. Whenever the occupiers of the village would start firing at the U. S. Marshals and FBI Agents, they would return the fire, some of which would strike in the vicinity of the children and older residents.

[redacted] advised that he had never before seen the above-mentioned document which was displayed to him and he did not sign any such document. He did, however, hear talk of various resolutions being prepared including one similar to it.

Interviewed on 3/18/74 at Rapid City, South Dakota File # MP 70-6882-1038

by SA [redacted] arw Date dictated 3/19/74

F B I

Date: MARCH 13, 1974

013

Transmit the following in C O D E D
(Type in plaintext or code)Via TELETYPE URGENT
(Priority)

TO: SAC, WFO *WUC*
SAC, ST. LOUIS *ACS*
FROM: SAC, MINNEAPOLIS (70-6882)

RUSSELL CHARLES MEANS; DENNIS JAMES BANKS; WOUNDED KNEE
LEADERSHIP TRIALS, ST. PAUL, MINNESOTA.

ON THIS DATE, UNITED STATES FEDERAL DISTRICT COURT JUDGE
FRED J. NICHOL, SOUTH DAKOTA, STATED IN ST. PAUL, MINNESOTA,
THAT HE HAD RECEIVED INFORMATION FROM DEFENSE ATTORNEYS THAT
THEY WERE SUBMITTING TO HIM A WRITTEN MOTION FOR DISMISSAL
OF CAPTIONED CASE ON THE GROUNDS OF ILLEGAL WIRETAP. REVIEW
OF WOUNDED KNEE FILE INDICATES THAT THE DEPARTMENT OF JUSTICE
WAS CONTACTED CONCERNING THE POSSIBILITY OF OBTAINING TITLE 3
COVERAGE ON TELEPHONE LOCATED IN TRADING POST, WOUNDED KNEE,
SOUTH DAKOTA. THE APPLICATION FOR THIS TITLE 3 AUTHORIZATION
WAS PREPARED BY SA ST. LOUIS DIVISION. JUDGE
DESIRES ALL BACKGROUND INFORMATION CONCERNING THIS REQUEST AND
ANY STEPS TAKEN TO IMPLEMENT THIS REQUEST SUCH AS OBTAINING OF
TECHNICAL EQUIPMENT AT PINE RIDGE, SOUTH DAKOTA, BE GIVEN TO HIM
BY PROSECUTION IMMEDIATELY.

b6
b7c

② Minneapolis
(1 - 70-6864)
 sks (2)

Approved: *S JH*

Special Agent in Charge

WFO-9:17 P
SL-9:11 P

Sent

M

Per *Jed*

U.S. Government Printing Office: 1972 - 455-574

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b7c*76-6882-1039*

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Date:

Transmit the following in _____
(Type in plaintext or code)Via _____
(Priority)

PAGE TWO

MP 70-6882

DEFENSE ATTORNEYS ALLEGED THAT A TELEPHONE LINE TO THE TRADING POST, WOUNDED KNEE, SOUTH DAKOTA, WAS REPAIRED BY GOVERNMENT OR TELEPHONE COMPANY OFFICIALS AFTER TAKEOVER OF WOUNDED KNEE BY AMERICAN INDIAN MOVEMENT (AIM). A LINE WAS RUN TO ROADBLOCK ONE AND A TELEPHONE PLACED AT ROADBLOCK ONE ON BIG FOOT TRAIL. DEFENSE ALLEGED THAT PRIVILEGED TELEPHONE CALLS BETWEEN DEFENDANTS AND THEIR ATTORNEYS WERE MONITORED BY FBI PERSONNEL AT ROADBLOCK ONE. SA [] WFO DIVISION, PROBABLY ASSISTED IN THE INSTALLATION OF TELEPHONE AT ROADBLOCK ONE DURING FIRST WEEK OF MARCH, 1973.

ST. LOUIS, AT ST. LOUIS, MISSOURI, SA [] WILL SUTEL ANY INFORMATION CONCERNING APPLICATION FOR TITLE 3 AND THE OBTAINING OF TECHNICAL EQUIPMENT. SA [] IS INSTRUCTED TO ALSO SUTEL ANY INFORMATION CONCERNING ALLEGED LOCATION OF TELEPHONE AT ROADBLOCK ONE.

WFO, AT WASHINGTON, D.C., SA [] WILL SUTEL ANY INFORMATION CONCERNING INSTALLATION OF TELEPHONE AT ROADBLOCK ONE OR ANY INFORMATION CONCERNING APPLICATION FOR TITLE 3, OR

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Approved: _____

Special Agent in Charge

Sent _____ M Per _____

U.S. Government Printing Office: 1972 - 455-574

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Date:

Transmit the following in _____
(Type in plaintext or code)

Via _____
(Priority)

PAGE THREE

MP 70-6882

OBTAINING OF TECHNICAL EQUIPMENT.

END.

Approved: _____
Special Agent in Charge

Sent _____ M Per _____

UNITED STATES GOVERNMENT

Memorandum

TO : SAC, MINNEAPOLIS (70-6882) (P)

DATE: 3/14/74

FROM : SA [REDACTED]

b6
b7C

SUBJECT: RUSSELL CHARLES MEANS;
DENNIS JAMES BANKS;
WOUNDED KNEE LEADERSHIP TRIALS,
ST. PAUL, MINNESOTA
CIR - BURGLARY, ETC.

Re telcall to SA [REDACTED]

On 3/13/74 SA JOHN E. MC CARTY contacted SA [REDACTED] at Rushville, Nebraska and requested that SA [REDACTED] interview [REDACTED] of the Bison State Telephone Company, Pine Ridge, South Dakota, about the installation of telephones at the Pine Ridge, South Dakota, Command Post, and Wounded Knee, South Dakota. SA MC CARTY advised SA [REDACTED] that the interview had been requested by Agents at St. Paul, Minnesota.

Acting upon these instructions, SA [REDACTED] located [REDACTED] South Dakota. This interview is shown on the attached FD-302.

② - Minneapolis
(1 - 70-6864)

[REDACTED] :sks
(2)

70-6882-1040
b b



FEDERAL BUREAU OF INVESTIGATION

1

Date of transcription 3/14/74

At approximately 6:00 p.m., March 13, 1974, Special Agent (SA) [redacted] approached the [redacted] residence, which is located approximately [redacted]

[redacted] As SA [redacted] approached the house, he slowed down to a stop to avoid a herd of cattle. SA [redacted] left the car at this point and began to walk towards the [redacted] house. An individual approached SA [redacted] and greeted him in a friendly manner. SA [redacted] returned the greeting and stated he was [redacted] an FBI Agent, and wanted to talk to [redacted]. This individual stated he was [redacted] and suggested that they talk in the Bureau car. SA [redacted] got into the car and [redacted] asked SA [redacted] how he had found him and SA [redacted] told [redacted] that he just drove to the end of the road. [redacted] asked if this interview concerned the [redacted] thing or the Civil Rights thing or the election. SA [redacted] replied that he did not know about those things but had been requested to interview him concerning the installation of a telephone at Wounded Knee, South Dakota, during the occupation and the installation of a telephone at the Command Post at Pine Ridge, South Dakota. [redacted] stated he felt he should tell SA [redacted] the same thing he had told MARK LANE and [redacted] and several legal aides and that was that he should not answer questions until he was subpoenaed. [redacted] then asked SA [redacted] if he thought he was right in this attitude. SA [redacted] replied that if [redacted] felt the matter was confidential then he should not discuss it.

SA [redacted] commented on the beauty of [redacted] ranch and [redacted] advised it was a very beautiful area and that he had [redacted]. In fact, he stated they are going to make a movie here in a few weeks and that MARLON BRANDO and JOEL WAYNE and a whole bunch of stars are going to be in it. [redacted] stated the money received from the film was going to be donated to the Tribe. [redacted] stated the script writer who had written "Judgment at Nuremberg" had been brought to his place by MARK LANE several weeks before. [redacted] advised he was pessimistic that the money from the film would ever reach the Tribe. He advised that he or someone he knew had been to a college in Iowa and that they had found out that a small group of students had been collecting and sending money to some place in Pine Ridge, South Dakota, and

Interviewed on 3/13/74 at [redacted] South Dakota 1P 70-6864
by SA [redacted] sks Date dictated 3/14/74 2P 70-6862

MP 70-6864
MP 70-6882

that no one knew where this money has been going. [redacted] questioned whether perhaps thousands of small groups had been sending money somewhere and that none of the money had appeared on the Reservation.

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[redacted] how long SA [redacted] had been at Pine Ridge, to which SA [redacted] replied a little over a year. [redacted] mentioned that there was a deep dissatisfaction among the people who lived along the creeks on the Reservation and asked SA [redacted] if he knew the answers to the Reservation problems. SA [redacted] replied that he did not know and that perhaps [redacted] would have a better idea than SA [redacted] who had only been there one year. [redacted] pointed out various problems on the Reservation such as giving a man welfare without giving him work and the lack of employment opportunities on the Reservation. [redacted] pointed out a road grader which he stated he had purchased and was using to grade the road near his place. [redacted] stated the Government should give the Pine Ridge people equipment like this so they can improve their living areas. [redacted] also noted that give-away programs were not the answer as there is an Indian attitude of living for today and not planning for tomorrow. [redacted] noted that he had not gone through high school but had been in the Army and learned enough to start his ranch and that he had learned enough about telephone equipment to become a telephone man.

During conversation, [redacted] who directed him to ask him about phone installation. SA [redacted] replied that he had been called by an Agent in Rapid City who had received a call from an Agent in St. Paul, Minnesota. [redacted] replied "We have a headquarters in St. Paul, too".

[redacted] questioned SA [redacted] as to why the Government should want this information when they must have it in their records. SA [redacted] advised he did not know. [redacted] advised they must have it in their records because the Department of Justice paid the bills promptly. SA [redacted] advised that was one of the questions he was going to ask [redacted] stated he had put all the phones in because no white man could have entered Wounded Knee and SA [redacted] advised that was also one of the questions he was going to ask.

MP 70-6864
MP 70-6882

[redacted] asked whether it was true that the FBI had some sort of data system hooked up to the telephone in the Bureau of Indian Affairs (BIA) Building occupied by [redacted]. [redacted] advised he did not know what a data system was and knew of no phone company equipment billed to the FBI. [redacted] advised he had received a work order about six months before to place two phones in the end rooms of the basement occupied by [redacted] and that these phones were to be used by two FBI Agents who would be permanently there. SA [redacted] stated he had no knowledge of such an order and that the FBI had no permanent agents or phones in the BIA building. At the request of [redacted] SA [redacted] sketched the basement of the BIA building and showed the location of various phones. SA [redacted] stated that the FBI had no phones in this area and that he knew of no data system. [redacted] explained that a data system was a system that when you came on the line, did not have conversation but made a series of beeping type sounds. SA [redacted] indicated he had no knowledge of such equipment and [redacted] stated that he would have to go down and snoop around and find out what was on those lines. SA [redacted] then advised [redacted] that he had been in [redacted] office several months before and that someone had been continuously ringing [redacted] unlisted number. SA [redacted] stated that sometimes a person could be heard in the background and sometimes it sounded like two or three lines were hooked together. SA [redacted] he had mentioned this to a telephone company repairman and that he said he would look into it. SA [redacted] also told [redacted] that he had been told by [redacted] that the day after he received his unlisted number and before he had given the number to anyone, he received a call on this unlisted number line from ETHEL MERRIVAL. SA [redacted] stated that he had mentioned this to the repairman. [redacted] stated he had heard nothing about this but that he would be glad to change [redacted] unlisted number as it was just a matter of switching three wires. SA [redacted] stated that he had no real interest in whether or not [redacted] number was changed.

[redacted] pointed out various improvements around the ranch including a rodeo shoot which he said he was building because one of his sons was good at rodeo. [redacted] advised he was working hard so that he could have something to leave his three sons.

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MP 70-6864
MP 70-6882

[redacted] advised that his home telephone number is [redacted] asked SA [redacted] if he would also be appearing on subpoena in Sioux Falls, South Dakota, and SA [redacted] advised he did not believe so.

b6
b7c

During conversation, [redacted] whether the persons on trial for taking over Wounded Knee should be convicted. SA [redacted] replied the people who commit crimes should be punished. [redacted] stated he felt that was true but that no crimes had been committed.

The entire interview was conducted in a friendly conversational manner and [redacted] appeared to be friendly and cooperative with SA [redacted]

NR020 WA PLAIN

023 URGENT 3-20-74 FLC

TO MINNEAPOLIS

FROM DIRECTOR 5P

PERSONAL ATTENTION

DENNIS JAMES BANKS; RUSSELL CHARLES MEANS; CIR -
BURGLARY, ETC.

RE MP DAILY SUMMARY NITEL MARCH 19, 1974, CAPTIONED, "WOUNDED
KNEE LEADERSHIP TRIALS, ST. PAUL, MINNESOTA, ETC."

IN CONNECTION WITH MOTION BY DEFENSE IN CAPTIONED CASE
TO DISMISS INDICTMENT FILED IN USDC, ST. PAUL, ON GROUNDS
GOVERNMENT ENGAGED IN WIRETAPPING, THE FOLLOWING SHOULD BE
BROUGHT TO THE ATTENTION OF AUSA R. D. HURD AND DEPARTMENTAL
ATTORNEY FOR THEIR CONSIDERATION IN ARGUING
AGAINST DISMISSAL.

b6
b7c

(1) THE MULTI PARTY TELEPHONE LINE SYSTEM WAS RE-
ESTABLISHED TO AVOID A PREMATURE CONFRONTATION BY AIM AND
THE GOVERNMENT TO AVOID BLOODSHED AND TO FACILITATE
NEGOTIATIONS. (2) AIM AGREED TO THE RE-ESTABLISHMENT.
END PAGE ONE

70-6882-1041

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1cc to 70-6864

PAGE TWO

(3) IRRESPECTIVE OF THIS, MILITANTS OF AIM WERE TRESPASSERS INTO THE WK TRADING POST AND HOMES WHERE TELEPHONES WERE INSTALLED AND ANY ACTION BY GOVERNMENT TO RE-ESTABLISH PHONE COMMUNICATION WOULD NOT IN ITSELF GIVE MILITANTS OF AIM LEGAL ACCESS TO PREMISES IN WHICH PHONES WERE INSTALLED.

(4) SAS [REDACTED] ROADBLOCK HAD LEGAL ACCESS TO GOVERNMENT LEASED MULTI PARTY LINE PAID FOR BY U. S. GOVERNMENT. STANDARD TELEPHONE EQUIPMENT UTILIZED IN THE NORMAL COURSE OF BUSINESS WAS USED TO RE-ESTABLISH TELEPHONE LINE. INSTRUMENT AT ROADBLOCK 1 WAS STANDARD TELEPHONE.

b6
b7c

(5) ALL PARTIES USING THIS TELEPHONE SYSTEM WERE AWARE CONVERSATIONS COULD BE OVERHEARD. (6) SAS [REDACTED]

[REDACTED] ON MARCH 5, 1973, 9:05 P.M., OVERHEARD CONVERSATION OF UNIDENTIFIED MALE AND UNIDENTIFIED FEMALE NAMED ROMAINE. UNIDENTIFIED MALE ADVISED ROMAINE THAT DURING EVENING MARCH 5, 1973, HE AND OTHERS SPENT EARLY EVENING HOURS SETTING OUT LAND MINES AND BOOBY TRAPS IN THE WK AREA. HE ALSO MENTIONED THE PEOPLE AT WK WERE IN POSSESSION OF VARIOUS TYPES OF WEAPONRY. SA [REDACTED] PREPARED MEMO TO SAC, MINNEAPOLIS CATIONED, "WOUNDED KNEE" DATED MARCH 9, 1973, WHICH DEPARTMENTAL ATTORNEYS ADVISED HAS BEEN ENTERED AS
END PAGE TWO

PAGE THREE

AN EXHIBIT IN EVIDENTIARY HEARING USDC. (7) AS A RESULT OF AGENT [REDACTED] MEMO CONCERNING BOOBY TRAPS, LAND MINES, AND VARIOUS WEAPONS, SAC, MINNEAPOLIS IMMEDIATELY BROUGHT THIS INFORMATION TO THE ATTENTION OF ASSOCIATE DEPUTY ATTORNEY GENERAL CHARLES ABLARD, DIRECTOR WAYNE COLBURN, U. S. MARSHALS SERVICE, COLONEL WARNER, MILITARY ADVISOR, AND FBI SACS, AS IT INVOLVED LIFE AND LIMB OF LAW ENFORCEMENT PERSONNEL AND OTHER INDIVIDUALS ON THE SCENE SUCH AS CHILDREN, NEWSMEN, COMMUNITY RELATIONS PERSONNEL, ETC. ANY ACTION TAKEN WAS TO DEVISE A METHOD WHEREBY THESE EXPLOSIVE DEVICES COULD BE NEUTRALIZED. (8) IN ALSO OVERHEARING CONVERSATION RE BOOBY TRAPS AND LAND MINES ON GOVERNMENT LEASED LINES THEY WERE IN EFFECT OVERHEARING INFORMATION RE VIOLATIONS OF FEDERAL FIREARMS STATUTES. (9) SAS [REDACTED] WERE DUTY BOUND TO TAKE ACTION AND WOULD BE DERELICT AS FBI AGENTS FOR NOT DOING SO AS THEY WERE CONFRONTED WITH THE SITUATION OF LIFE OR LIMB AS A RESULT OF VIOLATIONS OF FEDERAL FIREARMS STATUTES.

END PAGE THREE

b6
b7c

PAGE FOUR

(10) SA [] MADE INFORMATION A MATTER OF RECORD IN A WORK MEMORANDUM TO SAC SO SAC COULD ACT TO PREVENT LOSS OF LIFE OR LIMB. SAS OF FBI ARE NOT EXPECTED TO PREPARE LEGAL PERFECT DOCUMENTS WHEN FURNISHING INFORMATION WHICH MUST BE ACTED ON IMMEDIATELY TO SAC IN FORM OF WORK MEMORANDUM. TERMS USED BY AGENT [] IN PREPARING HIS MEMO SUCH AS "WAS MONITORED" ARE SOME EVIDENCE BUT WOULD NOT CONTROL THE ISSUE OF WHETHER IN FACT AN ILLEGAL WIRETAP EXISTED.

(11) THIS IS A PRIME EXAMPLE OF WHY FBI OBJECTS TO TURNING OVER FILES AND WORK MEMORANDA WHICH THEY ARE NOT REQUIRED TO TURN OVER UNDER RULE 16 OF THE FEDERAL RULES OF CRIMINAL PROCEDURE. (12) SEE FD-302 OF SAS []

[] MAY 8, 1973, PERTAINING TO LOCATION OF EXPLOSIVES DEVICE IN TRENCH AT WK LOCATED DURING CRIME SCENE SEARCH AT END OF OCCUPATION. (MP 70-7161-2)

IT IS RECOMMENDED THE LAW ENFORCEMENT ASPECTS OF WK BE BROUGHT OUT AT THESE HEARINGS IN LINE WITH THE ABOVE. KEEP FBIHQ CURRENTLY ADVISED BY EXPEDITIOUS COMMUNICATION WHERE NECESSARY CONCERNING THESE EVIDENTIARY HEARINGS.

END

MRH FBI MP

CLR

b6
b7c

F B I

Date: MARCH 21, 1974

CODE

Transmit the following in _____
(Type in plaintext or code)

Via TELETYPE

NITEL

(Priority)

TO: DIRECTOR, FBI
FROM: SAC, MINNEAPOLIS (70-6882)

RUSSELL CHARLES MEANS;
DENNIS JAMES BANKS
CIR - BURGLARY
ET AL
WOUNDED KNEE RELATED *Leadership.*

RE BUREAU FACSIMILE 3/20/74.

REFERENCED FACSIMILE ENCLOSED A LETTER 3/19/74 FROM HENRY E. PETERSEN, ASSISTANT ATTORNEY GENERAL, CRIMINAL DIVISION, TO THE DIRECTOR REGARDING THIS CASE. THE FIRST PAGE OF THE PETERSEN LETTER IS NOT ACCURATE. AT NO TIME DID THE FBI ADVISE JUDGE NICHOL THAT WE HAD NO INFORMANTS UNTIL AFTER THE INITIAL TAKEOVER. THE ONLY CONVERSATION HAD WITH JUDGE NICHOL REGARDING THIS MATTER WAS AS STATED IN THE LETTERHEAD MEMORANDUM PREVIOUSLY SUBMITTED.

IN TESTIMONY IN OPEN COURT THIS A.M. THE CONFUSION THAT EXISTED BETWEEN THE JUDGE, THE DEPARTMENTAL ATTORNEY, AND THE ASSISTANT UNITED STATES ATTORNEYS ON THIS POINT HAS BEEN RESOLVED. SOMEBODY MISQUOTED SOMEBODY BUT THE RECORD IS NOW CLEAR AND EVERYONE SEEMS TO BE IN AGREEMENT AS TO WHAT *THE FBI* ~~SAC MINNEAPOLIS~~ TOLD JUDGE

1 - Minneapolis
JHT:jrp

Approved: _____

Special Agent in Charge

Sent

10:15P

M

Per

De

F B I

Date:

Transmit the following in _____
(Type in plaintext or code)Via _____
(Priority)

PAGE TWO

NICHOL ~~IN CHAMBERS~~ ~~ON 3/9/74~~ RELATIVE TO INFORMANTS OR PROVOCATEUR.

APPROXIMATELY 1:00 P.M. THIS DATE DEPARTMENTAL ATTORNEY [REDACTED]

[REDACTED] WHO IS IN ST. PAUL. TELEPHONED DEPARTMENTAL ATTORNEY [REDACTED]

[REDACTED] AND ADVISED [REDACTED] THAT THE INFORMATION PREVIOUSLY
FURNISHED BY [REDACTED] IN THIS MATTER WAS INCORRECT.

ALSO ON THIS DATE, SAC, MINNEAPOLIS, DISCUSSED THIS WITH
RICHARD D. HURD, THE CHIEF PROSECUTOR, AND HE ADVISED THAT WHAT
WAS TOLD TO JUDGE NICHOL IN CHAMBERS HAS NOW BEEN RESOLVED AND
EVERYONE INVOLVED AGREES AT THIS TIME THAT IT WAS LIMITED TO THE
INFORMATION THAT WAS FURNISHED TO THE UNITED STATES ATTORNEY BY
WRITTEN COMMUNICATION SUBSEQUENT TO THE 3/9/74 SESSION WITH THE
JUDGE. THIS LHM IS ALSO AVAILABLE AT HEADQUARTERS.

I AM IN COMPLETE AGREEMENT THAT UNDER NO CIRCUMSTANCES SHOULD
ANY FBI PERSONNEL SEE JUDGE NICHOL REGARDING ANY ASPECT OF THIS
CASE UNLESS THE UNITED STATES ATTORNEY'S OFFICE IS ALSO PRESENT.
JUDGE NICHOL GETS EASILY CONFUSED AND HAS A TENDENCY TO CHANGE
HIS MIND ON VERY SHORT NOTICE. THE TWO TIMES THAT WE HAVE BEEN
WITH JUDGE NICHOL WITHOUT A MEMBER OF THE PROSECUTION BEING
PRESENT WERE SPECIAL SITUATIONS WHEREIN NO OTHER REASONABLE

Approved: _____
Special Agent in Charge

Sent _____ M Per _____

F B I

Date:

Transmit the following in _____
(Type in plaintext or code)Via _____
(Priority)

PAGE THREE

ALTERNATIVE THEN EXISTED. BOTH SESSIONS WERE SANCTIONED IN ADVANCE BY THE UNITED STATES ATTORNEY'S OFFICE. THE "IN CAMERA" TOUR OF THE FBI OFFICE BY JUDGE NICHOL WAS AT THE JUDGE'S SPECIFIC DIRECTION AND WITH THE CONCURRENCE OF THE PROSECUTOR.

~~IT SHOULD BE NOTED THAT DURING BOTH TIMES THAT SAC, MINNEAPOLIS, HAS HAD PRIVATE SESSIONS WITH JUDGE NICHOL, IT WAS IN AN EFFORT TO HEAD OFF A CRISIS. JUDGE NICHOL ADVISED AT ONE TIME THAT HE WAS CONSIDERING APPOINTING A THREE-MAN COMMITTEE OF PRIVATE ATTORNEYS WHO WOULD HAVE FREE ACCESS TO ALL OF THE FILES IN ANY WAY RELATED TO THE WOUNDED KNEE CASE IN THE FBI OFFICE. IT NOW APPEARS HE WILL NOT PURSUE THAT COURSE OF ACTION.~~

END

Approved: _____
Special Agent in Charge

Sent _____ M Per _____

NR 021 WA PLAIN

1:54PM IMMEDIATE 3/21/74 KAC

TO ALL SACS EXCEPT ANCHORAGE AND HONOLULU
FROM DIRECTOR 2P

RUSSELL CHARLES MEANS; DENNIS JAMES BANKS; CIP - EUGLARY - ET AL.
WOUNDED KNEE LEADERSHIP TRIALS, ST. PAUL, MINNESOTA.

ON MARCH 21, 1974, AUSA RICHARD D. HURD ADVISED IT WAS NECESSARY
TO OBTAIN FURTHER INFORMATION REGARDING TELEPHONE INSTALLATION AT
ROADBLOCK ONE, OUTSIDE OF WOUNDED KNEE, SOUTH DAKOTA, DURING THE
OCCUPATION, WHICH LASTED FEBRUARY 27 - MAY 2, 1973.

ALL RECEIVING OFFICES IMMEDIATELY POLL AGENTS CURRENTLY ASSIGNED
YOUR OFFICE TO (1) DETERMINE THE NUMBER OF AGENTS IN YOUR OFFICE
WHO WERE ASSIGNED TO WOUNDED KNEE DURING THE OCCUPATION FEBRUARY 27 -
MAY 2, 1973. (2) THE NUMBER OF AGENTS WHO SERVED ON ROADBLOCK ONE
(3) THE NUMBER OF AGENTS WHO KNEW OF TELEPHONE INSTALLATION (4)
NUMBER OF AGENTS WHO USED THE TELEPHONE FOR ANY PURPOSE. IF POSITIVE,
GIVE PARTICULARS.

BUREAU REQUESTED TO CONTACT ALL CONTINENTAL OFFICES AND SAN JUAN.

UTEL MINNEAPOLIS BY 1:30 PM CDT, THIS DATE.

END PAGE ONE

*File
as is copy
of our
requesting
all be sent to
SACs*

111-6882

70-6882-1043
70-6864

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2

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b7C


PAGE TWO

ADMINISTRATIVE: FOR INFORMATION, TELETYPES SENT IN RESPONSE TO THIS REQUEST WILL BE TURNED OVER TO THE COURT AND THE DEFENSE. THIS WILL NOT THEREFORE BE CONSIDERED AN INTERNAL DOCUMENT. SUBMIT IN FORM SUITABLE FOR DISSEMINATION TO COURT, ANY ADMINISTRATIVE DATA SHOULD BE ON SEPARATE LAST PAGE.

END

HOLD

FBI MP...CLEAR ESC



UNITED STATES GOVERNMENT

Memorandum

TO : SAC, MINNEAPOLIS (70-6882)

DATE: 3/25/74

FROM : SUPERVISOR [REDACTED]

b6
b7C

SUBJECT: RUSSELL CHARLES MEANS;
DENNIS JAMES BANKS
CIR - ETC.

WOUNDED KNEE LEADERSHIP TRIALS
ST. PAUL, MINNESOTA

On March 23, 1974, SA [REDACTED] was telephonically contacted at his residence at Springfield, Illinois, and advised that he was in the process of packing his personal goods and was under transfer to the San Francisco Division.

He stated that in regard to the Xerox copy of the document concerning DENNIS BANKS, this was handed to him by [REDACTED] immediately after [REDACTED] Xeroxed this document in the Command Post, BIA Building, Pine Ridge, South Dakota. This document was handed to him on 5/5/73, after he and [REDACTED] returned from negotiation meetings with representatives of AIM in Wounded Knee, South Dakota.

A Xerox copy of this document was forwarded to FBIHQ by telecopier and, therefore, a copy of this document was placed in the teletype file, Sub H.

③ - Minneapolis (70-6882)
(1 - 70-6832-Sub P)

[REDACTED] wkb
[REDACTED] mbb

70-6882-1044

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[REDACTED]



AGREEMENT

To effect the May 1973 meetings between White House representatives and headmen and chiefs of the Teton Sioux contemplated in the April 5, 1973 Agreement between the parties, it is agreed that both the dispossession of arms of the occupants of Wounded Knee and the end of the armed occupation of Wounded Knee will be accomplished in the following manner:

1. The details of this Agreement will be implemented starting at 7:00 A.M., Wednesday, May 9, 1973, and will proceed with expedition until the armed confrontation at Wounded Knee is ended.
2. At 7:00 A.M. the Government will remove all its APC's *and put one chief or headman in each govt. bus* from the Wounded Knee perimeter and the occupants of Wounded Knee will, simultaneously, evacuate all their bunkers, roadblocks, other fortifications, and buildings and assemble at the Tipi Chapel.
3. Upon assembly, all weapons, ammunition, explosives, and explosive devices will be turned over to C.R.S. by the occupants of Wounded Knee. C.R.S. will transport the weaponry to the old tipi site for examination by Government officials. Those weapons which are both legal, and tagged in a manner identifying the owners, will be returned to the owners within 24 hours. All illegal weapons and untagged weapons will be seized. A list of all weapons shall be delivered through C.R.S. to the Government by 5:00 P.M., Sunday, May 6, 1973, so that the weapons turned over to the Government on May 9, 1973 can be checked against the May 6, 1973 list. *19 CRS personnel to be in Wounded Knee Tuesday and Wednesday.*

[Handwritten signature]

70-6832-2998

4. After C.R.S. has turned all weapons over to Government officials at the old tipi site, the processing of the occupants of Wounded Knee will begin. C.R.S. will monitor the processing. The occupants of Wounded Knee will divide themselves into three groups:

- a. Those with outstanding arrest warrants against them;
- b. Resident occupants of Wounded Knee who resided there prior to February 26, 1973; and
- c. All others.

The occupants comprising each of these three groups will identify themselves with the aid of the agreed-upon form filled out in advance. These forms will be delivered by C.R.S. to Government officials by 5:00 P.M., Sunday, May 6, 1973.

5. The occupant group with outstanding warrants against them will proceed first to the old tipi site for processing. The Government will provide transportation to the old tipi site from the Tipi Chapel area.

6. When the warranted occupants have been processed, the resident occupant group whose presence in Wounded Knee pre-dates February 26, 1973 will be processed in like manner.

7. Finally, the "all other" group will be processed in like manner.

8. Processing will be accomplished pursuant to the terms of paragraphs 2(a) and 2(b) of the April 5, 1973 Agreement.

There may be a ^{dozen or so} ~~handful~~ of people subject to arrest despite the absence of an outstanding arrest warrant. These people will be processed pursuant to Paragraph 2(a) of the April 5, 1973 Agreement.

9. After those occupants who have been arrested are en route to Rapid City, and the "all other" group is en route from the Pine Ridge reservation, the permanent residents of Wounded Knee will be escorted to their homes by Government officials pursuant to Paragraph 2(c) of the April 5, 1973 Agreement.

The searches set forth in Paragraph 2(c) of the April 5, 1973 Agreement will then take place.

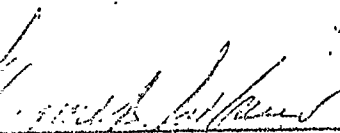
10. When the procedures required by Paragraph 9 above have been completed and the Government is satisfied that Wounded Knee is safe for occupancy, the following will take place:

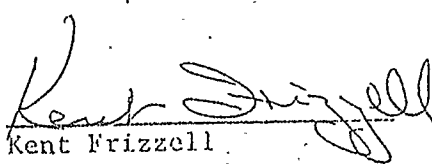
- a. Government bunkers will be evacuated and covered over;
- b. Wounded Knee bunkers will be covered over by Government officials;

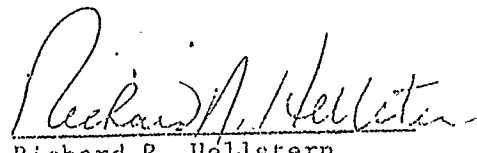
c. Government roadblocks will be eliminated;

d. A residual force of Marshals and other Government people will be established pursuant to Paragraph 2(d) of the April 5, 1973 Agreement. It is contemplated that the presence of a portion of this force will be required in Wounded Knee for a period of time subsequent to the end of the confrontation. Paragraph 2(f) of the April 5, 1973 Agreement will become operative.

11. The Government renews its commitment to perform on its obligations set forth in Paragraphs 3, 4 and 5 of the April 5, 1973 Agreement.


William B. Colburn
Director,
U. S. Marshals Service,
the United States
Government


Kent Frizzell
Solicitor
U.S. Department of Interior,
for the United States
Government


Richard R. Hellstern
Dep. Asst. Attorney
General, U. S. Department
of Justice, for
the United States

b6
b7C

For the Oglala Sioux Residents and the American Indian Movement

1: May 5, 1973

SAC, MINNEAPOLIS (70-6832-Sub P) (P)

3/19/74

SA [REDACTED]

b6
b7C

**WOUNDED KNEE LEADERSHIP TRIALS
ST. PAUL, MINNESOTA**

On 3/12/74, in further compliance with United States Federal District Judge FRED J. NICHOL's order, representatives of the defense counsel and United States Attorney's Office met at the Minneapolis Office of the FBI in order to hold a discovery conference concerning Wounded Knee related matters.

Mr. [REDACTED] and Mr. DOUGLAS HALL represented the Wounded Knee defendants DENNIS JAMES BANKS and RUSSELL CHARLES MEANS while AUSA [REDACTED] and Special Trial Attorney [REDACTED] United States Department of Justice, represented the Government. The following files were shown and/or discussed with defense counsel:

70-6832-Sub M

Mr. [REDACTED] advised he was not interested in viewing this file at this time.

70-6832-Sub J

Copies of road block and radio logs previously requested on 3/9/74 were turned over to defense counsel.

70-6832-Sub T

No 1A or serial reviewed.

70-6832-Sub V

Items 1A1 and Serials 1 through 7 were reviewed, no items were requested or turned over.

70-6832-Sub Z

No 1A material

70-6832-Sub E

1A1 - 1A22 were reviewed.

③ - Minneapolis

1 - 70-6832-Sub P

1 - 70-6864 (DENNIS JAMES BANKS)

1 - 70-6882 (RUSSELL CHARLES MEANS)

jrj

jrj

70-6882-1045

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MP 70-6832-Sub P

70-6832-Sub I	1A1 - 1A20 were reviewed.
70-6832-Sub S	Serials 1 - 60 were reviewed.
70-6832-Sub N	1A1 - 1A8 and Serials 1 - 39 were reviewed.
70-6832-Sub O	No review was conducted.
70-6832-Sub B	Serials 1 - 55 were reviewed.
70-6832-Sub C	1A1 -1A528
70-6832-Sub G, 70-6832-Sub H, 70-6832-Sub GG	Defense was advised of the number of serials and volumes in each, no review was conducted.
70-6832-Sub W	Serials reviewed.
70-6832-Sub P	Defense was advised of the number of volumes and serials, no review was conducted.

Mr. [] and Mr. HALL further requested information concerning the DENNIS JAMES BANKS and RUSSELL CHARLES MEANS files. They were advised of the number of volumes and the number of serials plus the number of 1As in each file. They were not advised of the file numbers for these individual files.

The discovery conference was concluded at approximately 5:30 p.m. and defense and Government counsel departed FBI space at Minneapolis.

Transmit attached by Facsimile

PLAINTEXT INVESTIGATION
COMMUNICATIONS SECTION

060

Priority URGENT

To: SAC, MINNEAPOLIS

MAR 20 1974

Date: 3/20/74

From: Director, FBI

~~TELETYPE~~

Time Transmitted -

Subject: U.S. v. RUSSELL MEANS AND DENNIS HANKS,
DISTRICT OF SOUTH DAKOTA, WOUNDED KNEE

Received -

A6L-mf
9:30P
3/20/74

☐ Fingerprint Photo

☐ Fingerprint Record

☐ Map

☐ Newspaper clipping

☐ Photograph

☐ Article Caption

☒ Other Departmental memorandum

☒ (5 min)

☐ (4 min)

Special handling instructions: Re Bureau telephone call 3/20/74. Hand
deliver to SAC Trimbach a.m., 3/21/74.

Approved: *[Signature]*

70-6882-1046

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Director
Federal Bureau of Investigation

March 19, 1974

Henry E. Petersen
Assistant Attorney General
Criminal Division

HEP:GMB:RCA:mal

United States v. Russell Means and Dennis Banks
District of South Dakota, Wounded Knee

United States District Judge Fred J. Nichol advised the U. S. Attorney's office and defense counsel on or about March 12, 1974, that the Federal Bureau of Investigation had advised him that the Bureau had no informants or provocateurs connected with the initial takeover at Wounded Knee and that any FBI informants were developed after the initial takeover.

On March 17, 1974, the U. S. Attorney's office advised the Department that it now appears that an FBI informant

[redacted]
[redacted] We have
copies of three letterhead memoranda dated December 4, 1973,
out of the Minneapolis Field Office of the FBI in which
information that can be testified to by [redacted]

[redacted] is set forth.
On page 7 of the letterhead memorandum captioned [redacted]
[redacted]

[redacted] It is requested
that the FBI advise the Criminal Division how and when these
informants and any other informants entered Wounded Knee and
the dates of their service in Wounded Knee.

Your cooperation in this matter is appreciated.

b6
b7C
b7D

SAC, MINNEAPOLIS (70-6864) (P)

3/22/74

SA

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b7C

RUSSELL CHARLES MEANS;
DENNIS JAMES BANKS;
CIR - ETC.

OO: Minneapolis

Attached hereto for the assistance of lead Agents is an FD-302 of RALPH E. ERICKSON, former Deputy Attorney General, who was interviewed regarding the installation of telephone at Roadblock #1.

LEAD

MINNEAPOLIS

AT FARGO, NORTH DAKOTA

Interview USA HAROLD O. BULLIS re his knowledge of telephone installation at Roadblock #1.

AT SIOUX FALLS, SOUTH DAKOTA

Interview USA WILLIAM F. CLAYTON regarding his knowledge of telephone installation at Roadblock #1.

In view of the hearing regarding the telephone installation presently being conducted at St. Paul, Minnesota, lead Agents should telephonically furnish SA with results of interviews.

5 - Minneapolis
① - 70-6864
① - 70-6864-P-Sub A)

wkb
(5)

70-6864-3047

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IN 002 SI PLAIN

1024PM URGENT MARCH 23, 1974 DJK

TO MINNEAPOLIS (70-6882, 68-64, 68-32 SUB P)
FROM SPRINGFIELD (2P)

RUSSELL CHARLES MEANS, DENNIS JAMES BANKS, CIP - BURGLARY,
ETC., WOUNDED KNEE.

RE MINNEAPOLIS TELEPHONE CALL TO SPRINGFIELD, MARCH 23, 1974,
AND MINNEAPOLIS TELETYPE (FACSIMILE) TO SPRINGFIELD MARCH 23, 1974.

ELEMENTS OF WOUNDED KNEE SETTLEMENT OF MAY 9, 1973 WERE
FINALIZED BY WOUNDED KNEE INSURGENTS WITH ASSISTANCE OF USDOJ-CRS
PERSONNEL IN OCCUPIED WOUNDED KNEE, S.D., ON MAY 5, 1973.

COPIES OF FINAL AGREEMENT, TOGETHER WITH LETTER FROM
INSURGENT DENNIS J. BANKS TO ATTORNEY CANON ROUEIDEAUX, WERE
DELIVERED BY [REDACTED] TO SA [REDACTED]

[REDACTED] AT 11:15 PM, MAY 5, 1973 AT THE PIPE RIDGE, S.D.,
FBI HQ. HOWDEN DELIVERED DOCUMENTS SINCE [REDACTED] WAS
END PAGE ONE

b6
b7C

*CCQ
In the*

70-6882-1048
SEARCHED INDEXED

[REDACTED]

*Hand
3/21/74*

[REDACTED]

SI 70-

PAGE TWO

REPRESENTING SAC AT WOUNDED KNEE NEGOTIATIONS.

WOUNDED KNEE AGREEMENT, TOGETHER WITH BARKS' LETTER,
DELIVERED TO SAC HELD AT APPROXIMATELY 1 AM, MAY 6, 1973, BY

SA

END

DCM

FBI MP ACK FOR ONE TEL CLR TU

b6
b7c

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

United States of America,

Plaintiff,

vs.

Dennis Banks,

Defendant.

CR73-5034

CR73-5062

United States of America,

Plaintiff,

vs.

Russell Means,

Defendant.

CR73-5035

CR73-5063

TRANSCRIPT OF TRIAL PROCEEDINGS

BEFORE

HONORABLE FRED J. NICHOL,

March 21, 1974

VOLUME 45

Received

Social Security

Indexed

Filed

70-6882-1049

1 discovery?

2 A. I know that there is such an order, and I know
3 generally what it contains, but I have not read it in
4 detail.

5 Q. Well, do you believe that Defendants' Exhibit U comes
6 under that discovery order?

7 MR. HURD: I'm going to object
8 to that as being irrelevant and immaterial to any
9 of the issues relative to wiretapping.

10 THE COURT: Overruled. I'm
11 looking at a copy of that order now and I'm looking
12 on page 7 of it. I assume you have it, and I'm
13 looking at my order in response to their Request 11
14 and the phraseology that says that the government is
15 required to produce for inspection or copying,
16 Subparagraph C, reports and transcriptions of
17 communications intercepted inside Wounded Knee during
18 the 71-day occupation.

19 Now, I recognize you take the position that
20 this was not an interception.

21 MR. HURD: No, Your Honor.
22 As I disclosed in Court yesterday, I'm not taking the
23 position. I'm taking the position that this was not
24 an interception in the sense of the wiretapping, but
25 I'm not taking the position that Defendant's Exhibit U

1 would not have been covered by the discovery order --
2 or not U, not Defendant's U, I'm sorry. I should
3 withdraw it.

4 I was thinking in terms of the Bertinot
5 memo as opposed to his memo, and I should withdraw
6 my objection because --

7 THE COURT: Very well.

8 MR. HURD: Because my position
9 is, Judge, that the Bertinot memo should have
10 been produced pursuant to that. That is not my
11 position relative to Defendants' Exhibit U.

12 THE COURT: Well, you are withdrawing
13 your objection to the question as to Exhibit U?

14 MR. HURD: No. I better not
15 withdraw it. I still think it's irrelevant and
16 immaterial but I was rising because I was thinking
17 we were talking about the Bertinot memorandum and it
18 is my position that it is --

19 THE COURT: Maybe we ought to have
20 the question read again and see whether you still have
21 the objection or wish to withdraw it.

22 MR. HURD: All right.

23 THE COURT: Would you read the
24 question back, please?

25 (Question read back by the reporter.)

Joseph Trimbach

1 MR. HURD: Your Honor, I would
2 like to object to that question as being irrelevant
3 and immaterial, and for the further reason that it is
4 the position of the government that that is a
5 question of law and it is in regard to that question
6 of law, it is our position that Defendants' Exhibit U
7 is not covered.

8 THE COURT: Well, I don't think
9 I have to rule now whether the interception was legal
10 or illegal because I realize you take the view that --

11 MR. HURD: That's right, and
12 this only goes to the discovery order, and Defendants'
13 Exhibit U, which is a memorandum from Mr. Trimbach
14 to other SACs in the nature of an interoffice
15 memorandum telling them information that he has and
16 referring to a memo which would have been a discoverable

17 THE COURT: Well, don't you feel,
18 thought, that a letter such as Exhibit U, written on
19 the same day of Agent Bertinot's letter which you
20 concede should have been discovered and should have
21 been turned over, and where the letter indicates that
22 obviously Mr. Trimbach was aware of that particular
23 letter because he took action about it, don't you
24 think that makes it relevant?

25 MR. HURD: No. My position, Your

1 Honor, would be this; it may be relevant but not
2 discoverable, but my position --

3 THE COURT: All right.

4 MR. HURD: But my position is
5 this; I am under the discovery order. Not under this
6 hearing. It may be relevant but it's not discoverable
7 because the discovery order went to --

8 THE COURT: Reports and
9 transcriptions.

10 MR. HURD: That's right. Now
11 Bertinot is the report of an overhearing and therefore
12 it is discoverable.

13 U is action taken as a result of the overhear-
14 ing, and therefore is not covered by the order.
15 That's my position, but I state that position in
16 connection with my objection that that is a question of
17 law, and that it is not relevant and material to this
18 wiretap hearing at this time.

19 THE COURT: Well, it may not be
20 material from the standpoint of being discoverable
21 at that time. I think it is material for the purpose
22 of this hearing as to the -- if nothing else, the
23 credibility which I have to decide, and as to his
24 awareness of that, so if you are going to talk about --
25 I might concede that it was not discoverable, but I

1 MR. HURD: Your Honor, I'm
2 going to object to that. That's been asked and
3 answered. It's agreed by everybody that
4 Defendant Exhibit J should have been produced under
5 that portion of the discovery order.

6 THE COURT: Very well. I am
7 going to sustain the objection on that basis.

8 BY MR. LANE:

9 Q Do you know when that document was produced to the
10 defense in this case?

11 A Well, let's see. I think it would be on Monday
12 of this week. I don't know specifically, but I
13 would assume that's when it was.

14 Q Who found it?

15 A One of our employees. I don't know who.

16 Q Where did he find it, or she?

17 A In our file.

18 Q Which file?

19 A In the main Wounded Knee file.

20 Q Why wasn't it found last month or the month before
21 or the month before?

22 MR. HURD: I am going to object
23 to that as calling for speculation and being
24 argumentative.

25 MR. LANE: Well, maybe a moment

1 302s and I may have excluded something else; I don't
2 remember exactly what the order was.

3 But I'm merely asking whether these are
4 documents that were embraced, in your opinion at
5 least, in the order that should have been at least
6 made available?

7 Can you answer that?

8 THE WITNESS: Well, if you mean,
9 Your Honor, was this file, this whole file, 70-6832,
10 the folder, the top and back, were all of the things
11 in it, if it was my understanding that that whole
12 file as such should have been made available to
13 counsel for both sides, my answer would be no, that
14 was not my understanding.

15 MR. HURD: Your Honor, I don't
16 know if the Court wants any more comment in regard to
17 that, but my understanding would have been that
18 Defendants' Exhibit T and Defendants' Exhibit U would
19 not have been covered by the order as constituting
20 interoffice memorandums, that, while Defendants'
21 Exhibit J is an interoffice memorandum, that would
22 be exception to the general rule, because, on its
23 face, it is a report concerning an overhearing.

24 THE COURT: All right. I think
25 it is about time for our recess. Thank you for

5 dhs

1

(The following proceedings were

2

had at the Bench.)

3

MR. LANE: Your Honor,

4

Mr. Trimbach indicated that this was not in a

5

secret file, this memo, and because I believe it

6

was the responsibility of the U.S. attorney to

7

examine all the files in this case to determine

8

what is relevant and what is not relevant, under

9

the Court order, I intend to ask this witness if

10

there are secret files, and if in fact there are

11

any files which he has not shown to Mr. Hurd.

12

And I just want to raise this now because

13

I'm very mindful of the question which was raised

14

in chambers, and I don't want you to feel that I'm

15

in any way violating it, and if you think this is

16

a violation, then I will not do it.

17

THE COURT: No, I don't. I think

18

you are aware from our conversation in chambers,

19

Mr. Hurd's representation, which might well appear

20

to be true, that there may be certain files that

21

are not available for counsel or the Court, and

22

that he might have to obtain permission from the

23

attorney general himself. Now, I think that you've

24

already said that.

25

MR. LANE: But not on the record.

6 dhs

1 I don't think.

2 MR. HURD: I can, if you want to
3 do it here at the Bench.

4 THE COURT: All right, sir.

5 MR. HURD: First of all, I had
6 not gone over to the FBI office prior to Saturday
7 night and personally went through the files. That
8 what I did, because of the voluminous job --

9 THE COURT: Because of what?
10 Because it was voluminous?

11 MR. HURD: Because of the amount
12 of material there, there was no way that I could do
13 that and prepare for trial. We just don't have the
14 manpower.

15 So in answer to the discovery order, what
16 I did was communicate to the FBI what I wanted them
17 to produce, and then I relied on them to produce
18 those documents. Not until the question relative
19 to the document where we were given the inaccurate
20 copy of the original, erroneously, did I make
21 arrangements myself to go over and personally
22 start looking through those documents.

23 In connection with the so-called sensitive
24 files, I did at one time communicate to the FBI
25 my desire to see summaries of the information

7 dhs

1 contained in those files. That was taken up in
2 Washington at the Department of Justice level,
3 and it was determined that I did not have to see
4 that stuff, and that it would be shown to me.

5 MR. LANE: Okay.

6 THE COURT: Okay.

7 (The following proceedings were
8 had in open court.)
9

10 DIRECT EXAMINATION (Cont'd.)

11 BY MR. LANE:

12 Q. Now, Mr. Trimbach, to your knowledge, was
13 Defendants' Exhibit J, which is the memo about the
14 interception of March 5th, 1973, was that made
15 available by the FBI to the government, to be
16 made available to the defense, pursuant to the
17 subpoena served on you?

18 A. That is right.

19 Q. Now, you said that these documents were not in an
20 FBI secret file, is that right?

21 A. What I think I said is they were not put in some
22 sort of a secret file or separate file. They were
23 part of the regular material.

24 Q. Do you have some FBI secret files about Wounded Knee?

25 MR. HURD: I'm going to object to

3 dhs

1 that question as being irrelevant and immaterial.
2 The witness has testified that this document was
3 not in such files, and the existence or non-existence
4 of those files, there's no foundation or predicate
5 that it's relevant to this.

6 THE COURT: Well, I think we're
7 at the point where there's a charge here of
8 governmental misconduct. I'm going to overrule
9 the objection. You may answer.

10 MR. LANE: Do you remember the
11 question?

12 THE WITNESS: Yes. There's no
13 separate file in this case that we would call a
14 secret file. We have a considerable amount of
15 material in these files that are secret to the
16 extent that they are not something we could produce
17 for the public. It's like any other FBI file.
18 In fact, it was this consideration in mind is what
19 prompted this additional review, to make sure
20 there's nothing else in there, since obviously
21 this one, at least, was overlooked in connection
22 with the review for the production order.

23 BY MR. LANE:

24 Q. So you have no sensitive files, secret files, of
25 any kind relative to this case, maintained at the

9 dhs

1 FBI office in Minneapolis?

2 MR. HURD: I'm going to object
3 to that question as being a compound question,
4 joining the word "sensitive" with the word "secret".

5 MR. LANE: Well, I'll withdraw
6 the question.

7 BY MR. LANE:

8 Q In your mind, Mr. Trimbach, is there a distinction
9 between a sensitive file and a secret file?

10 A Well, I would make a distinction there, insofar as
11 all the material in our files would be considered
12 sensitive to some extent. Our files are not
13 available for inspection by the public, so to that
14 extent they are secret. It depends on the question
15 of terminology.

16 Q All right. Let's see if we can bring it down to
17 something more pragmatic.

18 Are there any files in your office in
19 Minneapolis pertaining to Wounded Knee which you
20 refused to Mr. Hurd?

21 MR. HURD: I'd like to have the
22 objection to that question on the grounds that it's
23 immaterial and irrelevant to the scope of the
24 inquiry of these allegations of governmental
25 misconduct.

10 dhs

1

MR. LANE: Your Honor, we're

2

talking about governmental misconduct. Mr. Hurd

3

is responsible for looking over the material and

4

seeing whether or not it's relevant under your

5

order. We want to know if he's looking at the

6

material.

7

THE COURT: In view of my order,

8

I'm going to overrule the objection.

9

THE WITNESS: Let me have that

10

question again, please?

11

THE COURT: Bob, would you read

12

that?

13

(Pending question read.)

14

THE WITNESS: I do not have the

15

authority to permit anybody outside the FBI to go

16

through FBI files in general, so the answer to that

17

would be: I do not have such authority.

18

BY MR. LANE:

19

Q. Well, does Mr. Hurd on occasion go through material?

20

A. Oh, yes.

21

Q. Who makes the determination as to whether or not

22

Mr. Hurd can see that material that he's given to

23

go through?

24

A. Well, material is furnished to him in the way of

25

reports and letters and other communications.

11 dhs

1 Q. Who furnishes then?

2 A. The FBI does.

3 Q. In Minneapolis?

4 A. Yes.

5 Q. That's your responsibility, then, isn't it?

6 A. I'm responsible for everything that happens, yes.

7 Q. So you determine what material should be given to
8 Mr. Hurd under the court order signed by this Court
9 on October 16th of last year, is that correct?

10 A. No, that's not correct. The review of the file
11 for information that would be subject to the
12 disclosure order would in the first instance be
13 conducted by the me, that's correct. A questionable
14 item would be shown to one of the U.S. attorneys,
15 and then the decision would be reached.

16 Q. Do you know whether or not Mr. Hurd has made
17 application to see material in your files in
18 Minneapolis which has resulted in a denial?

19

20

21

22

23

24

25

1 dhs

1 THE COURT: The application to
2 or denial by whom?

3 MR. LANE: Application to the
4 FBI to see the material there, and he's been
5 denied.

6 THE COURT: I suppose this would
7 be oral or written.

8 MR. LANE: Oral or written.

9 MR. HURD: Your Honor, I really
10 think that we are probably getting into an area
11 now where we should do it by an offer of proof,
12 and I think it should even be an area where we
13 should do it in camera.

14 MR. LANE: I don't see anything
15 in camera in this. It's governmental misconduct.

16 MR. HURD: Let's face it, what
17 we are attempting to get into now is commonly
18 referred to as informer files, and if we are going
19 to be proceeding any further along that line, I
20 think we are approaching an area that is sensitive.
21 That it should be done in camera. I don't know what
22 the answers are going to be, but I do know that we
23 are approaching an area where we are dealing with
24 sensitive material that would not be to the benefit
25 of the Bureau, the government or the public to be

2 dhs

1 made public.

2 MR. LANE: We are not asking
3 for anything, or for the names of any --

4 THE COURT: I realize that.

5 I think that it's generally understood, this is
6 not secret, the courts have generally upheld the
7 right of an agency such as the FBI, who has --
8 and I say again unfortunately in this democracy
9 of ours -- to employ informers for the purpose
10 primarily, I suspect of organized crime, drugs,
11 and I guess that maybe sometimes there's been
12 abuse of applying it to dissident groups. I guess
13 that would make some difference as to what your
14 views are, as to whether it should or shouldn't
15 be applied, but anyway we know there have been
16 informers that have been used. The Court
17 recognizes it. You can read all kinds of cases
18 about informers.

19 As I understand most decisions, the
20 informers, if they testify, there must be a
21 disclosure to counsel for the defendant, and this
22 has been promised in this case, that they do
23 occupy the status of an informer.

24 Now, we already in this trial the
25 example of two undercover agents, but they were

3 dhs

1 not informers in the sense that I am thinking of
2 because they were actually employed by the
3 Federal Bureau of Investigation.

4 I say in this country that has to happen,
5 and the courts have protected, generally speaking --
6 I'm not saying it would be necessary in this case --
7 but there certainly are organized crime cases
8 especially involving the Mafia where, if the FBI
9 were to release the names of informers who did not
10 testify for fear of their lives, that by the mere
11 naming of them they might well -- not only the
12 informers lives endangered, but other persons
13 that had any connection with the informers.

14 MR. LANE: I think the sensitive
15 area does come up if we start asking questions
16 about who are these informers.

17 THE COURT: I'm not going to
18 permit that, except where such an informer may
19 testify.

20 MR. LANE: We are not in that
21 area at all now.

22 MR. KUNSTLER: Judge, I would
23 just like to put on the record that we don't
24 necessarily agree with your feeling that informers
25 are, one, necessary; and two, it is our feeling

4 dhs

1 that most of them have been utilized with dissident
2 groups. The FBI has been --

3 THE COURT: I recognize your
4 view on that, and I'm going to say I respect it.

5 Nevertheless, I like to think I can see
6 the other side, especially as it applies to
7 organized crime in the Mafia.--

8 MR. KUNSTLER: Except that's
9 where they least use them.

10 THE COURT: I don't agree with
11 your opinion. Now, it occurs to me that what
12 you are really getting at isn't so much whether
13 or not the informer files should be made available
14 to you, but whether there are any other tentative
15 or secret files that do not relate to informers
16 or the protection of informers, and that have been
17 withheld in this case. Is that what you're getting
18 at?

19 MR. LANE: Yes. The first time
20 informants came up was when Mr. Hurd asked the
21 question.

22 THE COURT: Now, if you are
23 getting into that area as to certain files that do
24 not relate to informers that have been withheld by
25 the Federal Bureau of Investigation, and it may well

5 dhs

1 be that Mr. Trimbach can say, "Well, I have no
2 authority to turn over certain portions of those" --

3 MR. HURD: Your Honor, if the
4 question is limited to whether or not there was
5 ever a denial of my access to any files other than
6 files involving informants or confidential sources,
7 I will withdraw my objection.

8 THE COURT: All right.

9 MR. LANE: I didn't say it was --

10 THE COURT: Okay, he's withdrawing
11 his objection.

12 MR. LANE: He's withdrawing it
13 for a specific reason, but it doesn't deal --

14 THE COURT: Can we have the
15 question read back? We have had a new reporter
16 since your question. You will have to ask it
17 again.

18 MR. GIENAPP: It may have been
19 two.

20 THE COURT: We may have had two.

21 BY MR. LANE:

22 Q Mr. Trimbach, to your knowledge, has Mr. Hurd been
23 denied access to any FBI files relative to Wounded
24 Knee?

25 MR. HURD: I'm going to object to

6 dhs

1 that question as being overly broad.

2 THE COURT: Well, it seems to
3 me that he can either say yes or no.

4 No. I'm going to overrule that objection.

5 THE WITNESS: I know of nothing
6 that Mr. Hurd has specifically asked for, and
7 after discussing it with him, that there's any
8 area of disagreement between his office and ours.

9 In this case, as in any other case, we
10 simply do not open up our files for anybody outside
11 the FBI. There's nothing unusual about the way
12 this case was handled.

13 The agents have the responsibility to put
14 anything that comes to their attention, which is
15 pertinent to the prosecution, in a report to the
16 U.S. attorney, and that's the way we work in all
17 our cases.

18 BY MR. LANE:

19 Q Do you remember my question?

20 A Yes.

21 Q Will you answer it?

22 A I know of no such request that has been turned down.

23 We have had some preliminary discussion
24 about informant files at one time, but that was
25 abandoned as far as I know.

1 do not know the specific date offhand.

2 THE COURT: I see that.

3 BY MR. LANE:

4 Q Do you recall a meeting with Judge Nichol on
5 March 9th of this year? Do you recall that meeting?

6 A Yes.

7 Q That's the Saturday afternoon meeting in Chambers that
8 we discussed yesterday.

9 A Yes.

10 Q Did we discuss your representations about wiretaps
11 or interceptions at that time? Do you recall that
12 testimony?

13 A Yes.

14 Q Did you also have a discussion with Judge Nichol in
15 Chambers on Saturday afternoon, March the 9th of
16 this year, about informants, agent provocateurs?

17 A Yes.

18 Q Did you assure the Court on that occasion that there
19 were no informants or agent provocateurs prior to
20 the takeover of Wounded Knee, meaning the evening of
21 February 27, 1973?

22 THE COURT: In all fairness, I
23 think, to the witness, we should make him aware --
24 I'm sure he is aware of the fact that we did have
25 two FBI employees, undercover agents at the Mother

1 Butler Center, which would have been prior to the
2 occupation.

3 MR. LANE: Yes, of course.
4 Other than those two persons.

5 MR. HURD: I want to object to
6 the question in that it's a compound question. In my
7 mind, at least, there's a distinction between an
8 agent provocateur and an informant.

9 THE COURT: Yes, I think there's
10 a distinction between an agent provocateur and an
11 informant.

12 MR. LANE: I know there's a
13 distinction and I thought that was the way it was
14 presented.

15 THE COURT: Go ahead and ask
16 the question. I think Mr. Hurd is correct. It is
17 a compound question. I think you should break it
18 down.

19 BY MR. LANE:

20 Q. Do you recall your conversations with Judge Nichol
21 that afternoon relative to informants?

22 A. Yes.

23 Q. Do you recall your conversation with him relevant
24 to agents provocateur?

25 A. Well, I view that in the same context here.

dhs

Thursday Afternoon,
March 21, 1974,
2:05 o'clock p.m.

Whereupon,

JOSEPH TRIMBACH,

a witness having been previously duly sworn,
was examined and testified further as follows:

MR. LANE: At this time, we'd
like to file an affidavit with the Court. Two
copies have been served upon the government.

THE COURT: Would it be helpful
to the Court to read these affidavits right now,
before we proceed further?

MR. LANE: I think so, Your
Honor. It's very brief.

THE COURT: Have I got only
one affidavit? I have an affidavit of Mr. Tilsen.

MR. LANE: That's the only one,
Your Honor.

THE COURT: All right.

Now, before we proceed further, I've got
a few things. First of all, I would inquire of
Mr. Hurd if there's anything he wants to say prior
my ruling or what I intend to say, after reviewing
some of the cases that were cited.

2 dhs

1 MR. HURD: The only other thing
2 that I would say, Your Honor, is that I notice that
3 the affidavit signed by Mr. Tilsen alleges that a
4 person attempted to frequent, and that his efforts --
5 and he made efforts to participate. It does not
6 actually allege that he was a participant.

7 THE COURT: Yes, I realize that.
8 Of course, I suppose I could also infer from that
9 if one person attempted to get in but wasn't
10 successful, that it's possible that someone might
11 have attempted to get in that was successful, and
12 they may not have known.

13 Now, this is, I think, going to be my
14 ruling, and I believe it's supported by the decision
15 of Black vs. United States and O'Brian vs. United
16 States, particularly, which are United States
17 Supreme Court decisions, and the Caldwell case also,
18 which generally goes to the proposition that
19 a surreptitious invasion by a government agent --
20 and I would assume an informer is a government
21 agent -- into the legal camp of the defense, does
22 violate the protection of the Sixth Amendment.

23 Now, I might also add that I think it's
24 incredible that an investigatory agency such as
25 the Federal Bureau of Investigation, acting under

3 dhs

1 the authority of the Department of Justice and the
2 Attorney General of the United States, can say to
3 a prosecutor, which the FBI is supposed to serve,
4 in the trial of a lawsuit, you can't see some of
5 our information.

6 Now, that is not the same thing as denying
7 it to defense counsel, the public or the judge.
8 But what I'm saying is, here's the United States
9 attorney, charged not only with the prosecution
10 of cases, and hopefully the bringing of justice
11 of persons who may be convicted and may be guilty
12 of crimes; here's the FBI saying to him: Well,
13 we can't let you see some of this information.

14 Now, we know that if it turns out that
15 the FBI or any other government agency has knowingly
16 concealed evidence and not made it available to
17 the United States attorney, that case is going to
18 be dismissed and reversed, and it may not be the
19 United States attorney's fault at all.

20 Now, what I'm suggesting right now -- I
21 may, before I make it as an absolute order, I
22 probably will listen to you, both sides, but my
23 suggestion is this: That this Court has authority
24 to order Mr. Trimbach, as the special agent in
25 charge of the FBI office for Minnesota, North and

4 dhs

1 South Dakota, to make available to Mr. Hurd, as
2 the main prosecutor, or anybody in the United States
3 attorney's office who is charged with the
4 responsibility of trying this case, all the files,
5 informer files, any files, all files.

6 If he feels that he cannot do that, then
7 he better ask the attorney general for the authority.
8 Now, if he has already asked the attorney general
9 and the attorney general has denied it, ask again,
10 and if the attorney general denies it a second
11 time, the attorney general should well know what
12 this Court is likely to do, and that is to dismiss
13 this case.

14 I think it's absolutely incredible that
15 the FBI can tell the prosecutor what to do. The
16 prosecutor should be telling the FBI.

17 MR. HURD: Your Honor, I maybe
18 misled the Court in this regard. When I said that
19 Washington decided that it was not necessary for
20 me to see these documents, I did not mean to imply
21 that the FBI made that decision. It was made in
22 the criminal division of the Department of Justice
23 by my superiors, and it was not made by the Federal
24 Bureau of Investigation.

25 It was my superiors who told me that they

dhs

1 had determined that I didn't need it. I made the
2 request through the Bureau. Mr. Trimbach did not
3 have the authority, as it was explained to me, to
4 let me have that information, so he had to forward
5 it to Washington. It came back from my superiors
6 that they did not think it was necessary.

7 THE COURT: All right. Let's
8 go to Mr. Saxby..

9 MR. HURD: Well, I understand
10 the Court's order, and that request --

11 THE COURT: Well, now, I haven't
12 said this was an order, but this is what I'm
13 suggesting I have authority to do. Now, it's
14 primarily based on the fact -- I realize that it
15 may go into the matter of Brady material, but then
16 we all know, all counsel knows, that if there's
17 any knowing concealment of evidence favorable to
18 the defendants, and that would also include evidence
19 that's harmful to the government, because in other
20 words, impeaching a government witness, obviously,
21 that's just as important for the defense to know
22 as exculpatory evidence for the defendant.

23 Now, I recognize that the defense well
24 may say: Well, it's just one bureau giving informati
25 to another bureau, all under the same head. To

dhs

1 some extent it's true.

2 The attorney general, of course --
3 although I don't know that Mr. Hoover ever
4 acknowledged it, the attorney general was superior
5 to the FBI, and as far as I know, they haven't
6 changed that. The attorney general of the United
7 States still is supposed to run the FBI.

8 MR. KUNSTLER: Your Honor, this
9 may go into the whole question of the autonomy of
10 the FBI, which was a known fact during Mr. Hoover's
11 administration, and it may well be that in
12 Washington, a decision was made that the Federal
13 Bureau would not turn over raw files to Mr. Hurd,
14 and that is what the attorney general acquiesced
15 in, but I think you have the same issue, whether
16 they say it to the Attorney General of the United
17 States or they say it to an Assistant United States
18 Attorney for South Dakota. It's all the same
19 thing. That autonomy did exist, and maybe
20 presumably does exist today, and I think that's
21 the heart of what Your Honor is driving at.

22 THE COURT: Yeah. Now, I think
23 I might also add -- and I think Mr. Trimbach would
24 probably confirm this -- that in our conversation
25 at the FBI headquarters, we did discuss, how do we

dhs

1 find out what Brady material there is. He more or
2 less convinced me, and I think I can understand it,
3 that I had suggested, which we talked about here
4 in Court one time, about getting some person
5 outside the government or the FBI, somebody on
6 whom we could rely, that we felt was an attorney
7 that both sides could live with, to go in there
8 and search it themselves.

9 He, I think, more or less convinced me
10 that that was an impractical suggestion, partly
11 I suppose if nothing else, the problem of agreeing
12 on any attorney that both sides could agree on.
13 I had one man that's a retired judge of the
14 Supreme Court of South Dakota, was one of the
15 persons that I had in mind that I had confidence
16 in, so another plan was proposed to search out
17 this Brady material, and they were to be headed by
18 more or less two panels of persons in the FBI, two
19 of whom I well knew and had considerable confidence
20 in, as you know.

21 But I think the situation has reached
22 beyond that. I have a definite feeling that the
23 defense is never going to be satisfied with the
24 FBI agents, no matter how much confidence I may
25 have in certain individuals, be satisfied with an

dhs

1 investigation through FBI material by another FBI
2 agent.

3 What I'm coming down to is simply the
4 proposition that Mr. Hurd ought to be able to see
5 absolutely everything in that office, and that
6 you should search it out carefully.

7 Now, as far as informants are concerned,
8 I protect the rights of informants, and I again go
9 back to the language of the Eighth Circuit that
10 absent unusual circumstances, such as knowingly
11 concealing evidence favorable to the defendant,
12 the government has a wide discretion with respect
13 to the witnesses to be called to prove its case.

14 In other words, it's not necessary to
15 call every informer into court and testify, but
16 how do we find out whether there's a knowing
17 concealment favorable to the defendant.

18 At least I can't see how, in their right
19 mind, the FBI or the Department of Justice can say
20 to this Court: We're not going to let the chief
21 prosecutor for this case look at our files. If
22 they want to say that to me, I have a very clear
23 option, namely, -dismissing this case.

24 MR. HURD: There is one thing
25 I should want to make clear, Judge. As I understand

D dhs

1 it --

2 THE COURT: I'm placing a lot
3 of faith in you, Mr. Hurd.

4 MR. HURD: As I understand it,
5 I'm going to back and make the request as the Court
6 has indicated. I should clear up, because I want
7 to make sure it's clear, and I'm not sure from the
8 comments of the Court that it is.

9 What I did in regard to those is, at one
10 time I requested summaries of the reports.

11 In other words, I did not request to
12 ever find out who informants were, or to find out
13 their addresses. What I wanted was a summary of
14 the material that was contained in what's referred
15 to as "Informant Contact" files. I made that
16 request to the FBI.

17 It was forwarded to Washington. The
18 Department of Justice, Criminal Division people,
19 made the decision that it was not necessary, at
20 least at that time, for me to see that material,
21 and it was denied.

22 THE COURT: How long ago was
23 that?

24 MR. HURD: That would have been,
25 my best recollection is, that would have been in

10 dhs

1 November or early December. I had not repeated
2 that request since I originally made it, and it
3 was denied to me.

4 I had confidence in the FBI, and I believe
5 them when they provide me with the information.

6 I talked to the team that was set up to
7 go through. I know some of the gentlemen
8 personally, and it was understood in relationship
9 to that team that the only person that they would
10 have contact with would be me. That nobody would
11 interfere in any way, shape or form with their
12 examination of those files. I understand that the
13 Court feels now that you want me to do it personally.

14 THE COURT: I do.

15 MR. HURD: I'm willing to
16 undertake it, and I'm willing to make the request
17 through the channels to obtain permission to go
18 in and look at that material.

19

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1 THE COURT: There's another
2 reason for it. An ordinary person, maybe even an
3 FBI agent going through those files may not --
4 here; he may well be legally trained; he may even
5 teach in law school, or not necessarily teach in
6 law school; teach law to policemen or teach courses
7 in law, but he hasn't had the experience of trying
8 day-to-day cases in court, such as a person in the
9 United States Attorney's Office such as Mr. Hurd.
10 Mr. Hurd can look at a document, I believe, and
11 recognize whether it's pertinent.

12 Now, I am very concerned, and I don't know
13 that it's true whether there were any informers in
14 the -- now, the language that the courts that
15 Mr. Kunstler has been citing doesn't say an invasion
16 by an informer into the camp of the defense. It's
17 into the legal camp of the defense.

18 Now, I think, therefore, that if it's
19 determined at any time -- I think the matter of
20 informers or general Brady material need not be
21 disclosed immediately to the government -- I mean to
22 the defense, but I would say that any information
23 that would indicate that anybody invaded the legal
24 camp of the defense, and by the legal camp of the
25 defense, I would include somebody, for example, that

1 may not have particularly been close to the lawyer
2 but was close to the client, who the lawyer was
3 talking with, that happened to be present at any
4 such place, that would be a person who was an informer
5 into the legal camp.

6 What I'm talking about is the lawyer-client
7 relationship.

8 MR. HURD: I think I understand
9 it, Judge, and once again, like I say, I don't think
10 that I have authority to do it, and I don't think
11 Mr. Trimbach has authority.

12 THE COURT: He may want to
13 request it.

14 MR. HURD: Maybe he can tell me.

15 THE COURT: Maybe he can help
16 me right now; Mr. Trimbach?

17 MR. HURD: Do you have anything
18 to add to this discussion?

19 THE WITNESS: No, but I want to
20 back up a minute.

21 MR. HURD: All right.

22 THE WITNESS: Because there's
23 a misconception here that you've mentioned, but I
24 want to state it, too, for the record.

25 At no time did I turn down or did the FBI

1 turn down a request for the prosecutor.

2 Now, what Mr. Hurd had asked for was a
3 procedural thing that would take extensive time, which
4 was sent up to Washington and reviewed by his superiors,
5 and his superiors determined that to comply with the
6 court order, that was not necessary. There's nothing
7 the FBI did that denied the prosecutor access to
8 anything.

9 THE COURT: All right. Do I
10 understand, then, --

11 THE WITNESS: To answer the question
12 that was asked of me, though, is this is going to be
13 the procedure that the Court wants Mr. Hurd to go
14 through every item in the file, --

15 MR. HURD: That's -- we're
16 talking now about -- I don't intend to go through all
17 316,000 --

18 THE COURT: No, no.

19 MR. TILSEN: Your Honor, lest
20 the record reveal that the defendants by their
21 silence be interpreted to have agreed to either the
22 statements of Mr. Hurd or Mr. Trimbach, the Court
23 should bear in mind that in the course of this trial,
24 it has become clear that there are a significant
25 volume of significant items that were discoverable

1 that Mr. Hurd has requested of the FBI that they have
2 not delivered and we are nowhere near the bottom of
3 that well, if it does have a bottom, and obviously,
4 I don't want to digress, except to indicate that
5 by our silence, we do not agree to what's been said.

6 THE COURT: I'm not holding you
7 to, by your silence, giving consent. I'm not holding
8 you to that.

9 MR. LANE: I'd like to say
10 something, even with that provision.

11 THE COURT: All right.

12 MR. LANE: And that is that it's
13 my understanding that Mr. Hurd told us that there
14 were files that he requested to see and the FBI
15 refused.

16 THE COURT: Mr. Trimbach would
17 seem to deny that.

18 MR. LANE: And Mr. Hurd seems to
19 say that it was true.

20 I think somehow between Mr. Hurd and
21 Mr. Trimbach, we ought to try to get out what the
22 facts are.

23 THE COURT: All right.

24 MR. HURD: I never was denied
25 access to the files, as such, with the exception that

1 I was given to understand that I would not be
2 permitted to look at the raw confidential source
3 file.

4 I therefore made a request for a summary of
5 the information contained in that file, and that
6 request was forwarded to Washington. I received word
7 back from my superiors that they did not think that
8 it was necessary for me to view that file, and that's
9 what occurred, and that's the way the matter stands
10 at this time, as best as I can recall.

11 I'm certain that if I had wanted to go into
12 the FBI office and look at the general Wounded Knee
13 file, or any of these subfiles, I would have been
14 permitted to do so, but because of the mammoth
15 amount of material available, it was impractical for
16 me to do all the other things I have to do to prepare
17 for trial and also do that.

18 MR. LANE: Your Honor, I think
19 the record is still a little cloudy. Mr. Hurd has
20 assured us that there was a file he asked the FBI
21 to see, and he was told he could not see that.
22 Mr. Trimbach has assured us that that never happened.

23 THE COURT: Are we talking about
24 the informant contact file that Mr. Hurd is
25 concerned --

1 MR. LANE: Yes, that was the
2 file.

3 MR. GIENAPP: Just a minute.

4 MR. TILSLIN: Let Mr. Hurd
5 respond.

6 THE COURT: Yeah. Maybe you
7 should respond to that, because I do think we still
8 have got a little problem with semantics, here.

9 MR. GIENAPP: My recollection
10 is -- I was in on all this, too, -- and we did not
11 specifically request information regarding an
12 informant; we definitely did not want to know
13 the name or the address; so we were requesting
14 summarizations, with numbers and this type thing,
15 and this is the thing that went to Washington,
16 because we definitely didn't want to know the names
17 and I still don't want to.

18 MR. HURD: We didn't want to
19 know.

20 THE COURT: Wait a minute. I
21 want to know the names of any informers that may
22 have invaded the legal camp of the defense, because
23 I think the United States Supreme Court has clearly
24 said --

25 MR. GIENAPP: I agree with that,

1 Your Honor, but if there's going to be an initial.
2 perusal of this material, I think it would be best
3 served as far as informants are concerned if we're
4 seeing this information only on a number basis or
5 something. Then if there's something there, then
6 the names can be sought out.

7 MR. HURD: I don't know what
8 form that file is in, Judge, so I don't know how --
9 I don't know if I could look at that information
10 without learning the identity of the informant or
11 not, but I never did request the identity of the
12 informants, and my request -- and I think there may
13 be some correspondence, although I have not searched
14 for it, but I don't want to know who the informants
15 were. I only wanted to have a summary of what they
16 knew, so that it would be of assistance to me in
17 preparation for trial.

18 THE COURT: I'm only speculating
19 but isn't it possible that the informant contact file
20 with reference to Wounded Knee might indicate --
21 there may not be the name of the informer, but that
22 some person may have been present in a cafe or --
23 I don't know whether defense counsel ever go in bars
24 or not, but they might be present in a bar and over-
25 heard a conversation between one of counsel and a

1 defendant.

2 MR. KUNSTLER: Your Honor, if
3 you do find that -- if you get some files and you
4 find anything that is arguably in any way that way,
5 then we have an adversary proceeding like an
6 illegal wiretap comes into play.

7 THE COURT: Precisely.

8 MR. KUNSTLER: In the Partin
9 case, they held -- it was the Hoffa case rather than
10 Partin.

11 THE COURT: Hoffa, yes.

12 MR. KUNSTLER: That he hadn't
13 been; in fact they had him testify that he hadn't
14 been in the councils of the defense.

15 THE COURT: Right. There was a
16 dispute.

17 MR. KUNSTLER: There was a dispute.

18 THE COURT: I read the case, and
19 there was an argument, and the United States Supreme
20 Court acted like a trial judge. They decided which
21 one to believe, apparently.

22 MR. KUNSTLER: Right, and they
23 believed Partin, that he had only been involved in
24 the -- not in the Test Fleet case, but in the --
25 or in the Test Fleet case and not in the bribery of

1 a juror case.

2 THE COURT: Right.

3 MR. KUNSTLER: And I think here
4 if you find, you're entitled now, in view of
5 Mr. Tilsen's affidavit, --

6 THE COURT: Yes, sir.

7 MR. KUNSTLER: -- that you are
8 now entitled to command those files, and if there's
9 anything that is remotely arguably relevant, then
10 we're entitled to the adversary proceeding, just as
11 an illegal wiretap.

12 MR. HURD: Well, I don't know
13 if -- I don't think that Mr. Tilsen's affidavit is
14 sufficient for that, but as I would understand what
15 the Court is suggesting, if I would run across anything
16 that would indicate that there was a conversation
17 overheard, or an attorney-client invasion of anything,
18 I should make that disclosure and the contents of the
19 disclosure known to the Court.

20 THE COURT: Well, I think you should
21 do one step further. I think you should say to
22 Mr. Trimbach or whoever is in charge of this, tell me,
23 who is this informer. This I do have to know.

24 MR. HURD: Well, what I would
25 prefer to do -- my suggestion would be this, Judge:

1 Is that if I come across, for example, hypothetically,
2 if I come across an indication that a confidential
3 source reported that he heard William Kunstler and
4 Russell Means discussing the applicability of the
5 1868 treaty to the crime of burglary and larceny.

6 Now, I think that that would constitute an
7 invasion, and one of the things that bothers me a
8 little bit about me doing this is this, Judge:
9 I could represent to the Court that I know of no
10 communications between any defense counsel and any
11 defendants, so that if there is such things, I could
12 tell the Court that the existence of it does not
13 exist to me, but of course I cannot speak for the
14 fruits of it, because I cannot -- I don't know.

15 So I would suggest that if I come across
16 something like this, assuming that this procedure is
17 adopted, that I would give that to the Court, and the
18 Court could make the determination as to whether or
19 not it required a further disclosure.

20 I don't want to be in the position of,
21 in other words, making the final decision.

22 THE COURT: All right. I might
23 well accept that.

24 Well, now, our next serious problem is
25 going to be a matter of time. You've got Saturday

1 and Sunday. Has your family left?

2 MR. MURD: No, they're still
3 here this weekend, but they can get along without me,
4 I assume.

5 No, here's the first thing, Judge: The
6 first thing, as I understand it, that has to be
7 done is, I'm going to have to go back to my office,
8 and I'm going to have to call Washington, and I'm
9 going to have to explain what the situation is, and
10 I'm going to have to get approval to do this and to
11 set up a -- and once I find out -- I don't think we
12 have to do it here in open Court. Once I find out
13 what the actual physical setup is -- because I
14 personally have never gone over and looked. The
15 Court did. Maybe you know more about it than I do.
16 I really don't know what it's going to entail. I've
17 got to get some information and then maybe I can tell
18 the Court.

19 THE COURT: Well, I think that's
20 right.

21 MR. LANE: I think the first
22 thing is to find out if Mr. Murd is going to be given
23 permission to look at these files.

24 THE COURT: Well, that's what I
25 understood he was going to do.

3/25/74

AIRTEL

AIRMAIL

TO: DIRECTOR, FBI
(ATTN: [REDACTED] GENERAL CRIMES UNIT,
CRIMINAL SECTION, GENERAL INVESTIGATIVE DIVISION)

FROM: SAC, MINNEAPOLIS (70-6864) (P)

SUBJECT: DENNIS JAMES BANKS;
RUSSELL CHARLES MEANS
CIR - BURGLARY; LARCENY; ETC.
(OO: MINNEAPOLIS)

Re telcall from SAC, Minneapolis, to Bureau 3/21/74.

Enclosed for the Bureau are selected pages from the transcript of trial proceedings before United States District Court Judge FRED J. NICHOL, United States District Court, District of South Dakota, Western Division, St. Paul, Minnesota, 3/21/74, Volume 45. The enclosed page numbers are 8554 through 8557, 8569, 8591, 8611 through 8623, 8643, 8644, and 8660 through 8680.

The enclosed pages of transcript from the trial proceedings in the captioned matter are supplied to the Bureau for their information and are relative to the referenced telephone conversation.

Pages 8554 through 8557 and 8569 and 8591 refer to AUSA RICHARD D. HURD, Sioux Falls, South Dakota, advising the court that the memo of SA [REDACTED] is discoverable per the court order of Judge NICHOL regarding properly discoverable material.

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- 2 - Bureau (Enc. 2) (RM)
- 3 - Minneapolis
 - ① - 70-6882)
 - (1 - 70-6832 - Sub P)

WJM:skk
(5)

70-6882-1050

Pages 8611 through 8623 apply to AUSA HURD's reference to his request to the FBI for a summary report on informant information, which was eventually declined by his superiors at the Criminal Division, Department of Justice. This section also deals with Judge NICHOL's comments regarding his attitude toward informants.

Pages 8643 and 8644 refer to SAC TRIMBACH's conversation with Judge NICHOL in the Judge's chambers on 3/9/74 regarding informants and agents provocateur used at Wounded Knee, South Dakota. This section also contains the Judge's aside regarding the taping of this particular conversation.

Pages 8660 through 8680 relate to Judge NICHOL's remarks regarding AUSA HURD's attempt to view FBI informant files and the possible dismissal of the charges in the captioned matter if this viewing is declined. This section also refers to AUSA HURD's statement that he would review the informant files if given permission by his superiors. This section also relates to Judge NICHOL's comments regarding the revealing of the identity of an informant who may have reported on an attorney - client conversation.

F B I

Date: 3/25/74

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CODED

Transmit the following in _____
(Type in plaintext or code)Via TELETYPE IMMEDIATE
(Priority)

TO: DIRECTOR, FBI
 ATTENTION:
 GENERAL CRIMES UNIT, GENERAL INVESTIGATIVE DIVISION

b6
b7C

FROM: SAC, MINNEAPOLIS (70-6882) (P)

RUSSELL CHARLES MEANS; DENNIS JAMES BANKS; CIR - BURGLARY, ETC.

ON MARCH 25, 1974, AT APPROXIMATELY 1:45 P.M., CENTRAL
 DAYLIGHT TIME, DEPARTMENTAL ATTORNEY CURRENTLY AT
 ST. PAUL, MINNESOTA, ADVISED THAT KEVIN MARONY, DEPUTY ASSISTANT
 ATTORNEY GENERAL FOR THE CRIMINAL DIVISION HAD JUST RELATED TO
 HIM, DURING A TELEPHONE CONVERSATION, THE ~~DEPARTMENT'S~~ ^{Criminal Division's} VIEW IN
 REGARD TO THE FBI GIVING ASSISTANT U. S. ATTORNEY R. D. HURD
 INFORMANT FILES CONCERNING WOUNDED KNEE. ADVISED THAT THE
~~DEPARTMENT'S~~ ^{Criminal Division's} VIEW IS AS FOLLOWS:

HURD SHOULD BE ABLE TO SEE ANYTHING IN THE INFORMANT FILES
 AT THIS TIME. SHOULD HURD FIND SOMETHING WHICH HE FEELS SHOULD
 BE REVEALED TO THE COURT, THEN THE FBI SHOULD MAKE THE DETERMINA-
 TION AS TO WHETHER OR NOT THIS INFORMATION WOULD TEND TO IDENTIFY
 OR JEOPARDIZE THE INFORMANT'S LIFE AND/OR LIVELIHOOD. IF THE

- ③ - Minneapolis
 ① - 70-6882
 1 - 70-6864
 1 - 70-6832-Sub P

Searched _____
 Serialized be
 Indexed _____
 Filed be

jrj
 jrj

70-6882-1051

Approved: [Signature]
 Special Agent in Charge

Sent 10:16 P MPer [Signature]

F B I

Date:

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(Priority)

MP 70-6882

PAGE TWO

DETERMINATION WAS THAT THE INFORMATION WOULD IDENTIFY OR JEOPARDIZE THE SOURCE, THEN THE FBI COULD REFUSE TO ALLOW HURD TO TURN THIS INFORMATION OVER TO FEDERAL DISTRICT COURT JUDGE FRED J. NICHOL.

AT 3:30 P.M., CENTRAL DAYLIGHT TIME, ON MARCH 25, 1974,

[] ADVISED THAT FRED J. NICHOL WOULD ACCEPT NOTHING LESS THAN THE FBI TURNING THE ENTIRE INFORMANT FILE OVER TO HURD FOR HIS REVIEW. HE ALSO STATED THE ^{Criminal Division} ~~DEPARTMENT'S~~ POSITION IS THAT THE FBI SHOULD PHYSICALLY PROVIDE HURD WITH THE ENTIRE UNCENSORED, RAW INFORMANT FILE.

MR. [] WAS PROVIDED A COPY OF A MEMORANDUM FROM DIRECTOR, FBI, TO THE ATTORNEY GENERAL DATED MARCH 25, 1974. MR. [] AND MR. HURD THEN MET WITH JUDGE NICHOL IN CHAMBERS AND AT 3:45 P.M., CENTRAL DAYLIGHT TIME, ADVISED THAT JUDGE NICHOL REMAINS ADAMANT IN HIS OPINION THAT THE FBI MUST PROVIDE HURD WITH ALL FILES FOR HIS REVIEW. [] ALSO ADVISED THAT JUDGE NICHOL STATED THE FBI SHOULD HAVE ENOUGH TRUST IN AUSA HURD TO ALLOW HIM TO REVIEW THE UNCENSORED INFORMANT FILES. JUDGE NICHOL FURTHER STATED THAT SHOULD THE FBI FAIL TO COMPLY WITH HIS ORDER,

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Approved: _____
Special Agent in Charge

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MP 70-6882

PAGE THREE

HE WOULD NOT ONLY DISMISS ON THESE GROUNDS BUT WOULD BROADEN HIS DISMISSAL TO INCLUDE GOVERNMENTAL MISCONDUCT FOR FAILURE TO COMPLY WITH ALL OF HIS DISCOVERY ORDER DATED OCTOBER 16, 1973.

SAC, MINNEAPOLIS, IN PERSONAL DISCUSSION WITH DEPARTMENTAL ATTORNEY [REDACTED], DURING THE AFTERNOON OF MARCH 25, 1974, INFORMED HIM THAT THE SAC IS AWAITING INSTRUCTIONS FROM WASHINGTON AND DOES NOT HAVE AUTHORITY AT THIS TIME TO ~~TURN OVER~~ ^{make available} ANY FILES, AS SUCH, TO THE PROSECUTION, BUT THAT WE ARE COMPILING ALL OF THE FILES WITH THE EXPECTATION THAT A WORKABLE PROCEDURE CAN BE FINALIZED WHICH WOULD SATISFY THE COURT.

[REDACTED] REPLIED THAT ANYTHING SHORT OF THE FBI PHYSICALLY TURNING OVER THE ENTIRE INFORMANT FILE TO THE USA'S OFFICE WOULD BE TOTALLY UNACCEPTABLE! ^{To me court.} *This would include informant contacts for period 2-1-73 to the present*
AUSA HURD AND DEPARTMENTAL ATTORNEY [REDACTED] FURTHER ADVISED AS FOLLOWS:

JUDGE NICHOL DOES NOT GO ALONG WITH THE PROCEDURE OUTLINED IN THE DIRECTOR'S LETTER TO THE ATTORNEY GENERAL DATED MARCH 25, 1974, IN THAT THE FIRST SENTENCE OF THE LAST PARAGRAPH STATES

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Special Agent in Charge

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(Priority)

MP 70-6882

PAGE FOUR

THAT THE IDENTIFYING DATA CONCERNING THE INFORMANTS WOULD BE DELETED. JUDGE NICHOL INSISTS THAT THE ENTIRE FILE INCLUDING THE IDENTIFYING DATA BE MADE AVAILABLE TO AUSA HURD BECAUSE HE, JUDGE NICHOL, KNOWS OF ONLY TWO REASONS WHY THIS WOULD BE OBJECTIONABLE. NUMBER ONE IS THAT THE FBI HAS SOMETHING TO HIDE IN ITS INFORMANT FILES THAT IS RELEVANT TO THIS CASE. THE ONLY OTHER REASON WOULD BE THAT THE FBI AS A MATTER OF POLICY DOES NOT TRUST THE USA'S OFFICE TO VIEW THIS TYPE OF SENSITIVE MATERIAL.

FURTHERMORE, ACCORDING TO JUDGE NICHOL THE FBI HAS BEEN ACCUSED OF *Concealing* ~~CONCERNING~~ MATERIAL AND IF THE FBI HAS SOMETHING TO HIDE, OBVIOUSLY THE FBI WOULD NOT BE THE APPROPRIATE PEOPLE TO SEARCH THROUGH THEIR OWN FILES. IT WAS FURTHER STATED THAT ~~INASMUCH AS~~ *if it appeared that* INFORMANTS HAVE ~~PIERCED~~ *THE* ATTORNEY -CLIENT RELATIONS TO SUCH AN EXTENT THAT THE DEFENDANTS CANNOT GET A FAIR TRIAL, *then this would be grounds for dismissal* (THE ONLY SPECIFIC INFORMATION FURNISHED TO SUBSTANTIATE THE DEFENDANT'S *Contention* ~~CONDITION~~ IN THIS RESPECT IS THE AFFIDAVIT FROM DEFENSE ATTORNEY HOWEVER, THE JUDGE IS ADAMANT IN HIS REQUIREMENT CONCERNING THE INFORMANT FILES AND HAS STATED THAT

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b7cApproved: _____
Special Agent in Charge

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Date:

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(Priority)MP 70-6882
PAGE FIVE

IF THIS ORDER IS NOT COMPLIED WITH (AND COMPLIANCE MEANS TURNING OVER THE ENTIRE FILE FOR REVIEW BY THE PROSECUTOR) HE WILL DISMISS THE INDICTMENTS ON THIS GROUND AS WELL AS ON THE GROUNDS OF GOVERNMENTAL (FBI) MISCONDUCT AND HE WOULD BRING INTO THE DISMISSAL THE FAILURE OF THE FBI TO TIMELY PRODUCE OTHER ITEMS IN COMPLIANCE WITH THE DISCOVERY ORDER AND THE UNAUTHORIZED MONITORING OF THE PARTY TELEPHONE AT ROAD BLOCK ONE.

AUSA HURD FURTHER ADVISED THAT JUDGE NICHOL INDICATED THAT THE IDENTIFYING DATA IS REQUIRED AS A PART OF THE AUSA'S REVIEW IN ORDER THAT HURD CAN PROPERLY EVALUATE WHETHER OR NOT THERE HAS BEEN A VIOLATION OF THE ATTORNEY - CLIENT RELATIONSHIP SINCE THE IDENTITY OF THE INFORMANTS MAY MATERIALLY AFFECT THE QUESTION AS TO WHETHER OR NOT ANY PIERCING OF THE ATTORNEY - CLIENT RELATIONSHIP WOULD REQUIRE A DISMISSAL.

AUSA HURD STATED THAT IF THE DECISION IS REACHED TO NOT TURN OVER THE INFORMANT FILES FOR HIS REVIEW NOT ONLY WILL THE CURRENT INDICTMENT PROBABLY BE DISMISSED BY JUDGE NICHOL BUT IT WOULD PROBABLY RESULT IN A DISMISSAL OF ALL OF THE WOUNDED KNEE RELATED CASES, INCLUDING THE ^{estimated 120} NON-LEADERSHIP CASES CURRENTLY

Approved: _____
Special Agent in Charge

Sent _____ M Per _____

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(Priority)

MP 70-6882

PAGE SIX

PENDING IN SIOUX FALLS, SOUTH DAKOTA, SINCE THE SAME COMMITTEE OF ATTORNEYS REPRESENTS ALL OF THE DEFENDANTS.

DEPARTMENTAL ATTORNEY ADVISED THAT THE CRIMINAL DIVISION OF THE DEPARTMENT OF JUSTICE BELIEVES THAT THE MATERIAL SHOULD BE TURNED OVER TO AUSA HURD FOR EXAMINATION AS ORDERED BY JUDGE NICHOL.

AUSA HURD FURTHER ADVISED THAT IF THE JUDGE, AS HE HAS INDICATED, DISMISSES THE INDICTMENTS NOT ONLY ON THE BASIS OF THE REFUSAL TO ALLOW THE PROSECUTION TO EXAMINE IN TOTAL THE INFORMANT ~~E~~ONTACT FILES BUT ALSO ALLEGES OTHER DELIBERATE MISCONDUCT ON THE PART OF THE FBI IT WOULD BE DIFFICULT TO OBTAIN A REVERSAL OF THAT DECISION SINCE THE QUESTION OF DELIBERATE MISCONDUCT ON THE PART OF THE GOVERNMENT (FBI) IS A QUESTION FOR THE FACT FINDER WHICH IN THIS CASE IS THE JUDGE HIMSELF.

Bureau should take this matter up with the Attorney General and advise Minneapolis what decision is reached.

b6
b7cApproved: _____
Special Agent in Charge

Sent _____ M Per _____

UNITED STATES GOVERNMENT

Memorandum

TO : SAC

DATE: 3/25/74

FROM : SA [REDACTED]

b6
b7C

SUBJECT: DENNIS JAMES BANKS;
RUSSELL CHARLES MEANS
CIR - BURGLARY, ETC.

On March 25, 1974, at approximately 1:45 p.m., Departmental Attorney [REDACTED] advised that he had just spoken with [REDACTED] Departmental Deputy Assistant Attorney General, Criminal Division, Department of Justice, and [REDACTED] that the Department's position would be that Assistant United States Attorney R. D. HURD should be able to see any and all files in the possession of the FBI relative to Wounded Knee at this time.

If HURD should find something in any of the files that HURD felt should be brought to the attention of the court, then the Bureau should make the decision as to whether or not that information would identify or jeopardize the life and livelihood of the source. At this time the Bureau would then make the determination as to whether or not this information could be supplied to the Judge.

[REDACTED] also advised that AUSA HURD had met with Federal District Judge FRED J. NICHOL and outlined a proposal to him in which he would be allowed to see any of the FBI files, with the exception that names and identifying data would be deleted. [REDACTED] stated that Judge NICHOL had informed HURD that the FBI should have enough trust in HURD to show him information without deletions. Mr. [REDACTED] stated that he felt that HURD were not allowed to see the uncensored FBI files, Judge NICHOL if would dismiss the case.

③ Minneapolis
(1 - 70-6864)
(1 - 70-6832- Sub P)

[REDACTED] jwh
(3)



5010-108-02

70-6882-1052

SEARCHED	INDEXED
SERIALIZED	FILED
APR 1 1974	
FBI-MINNEAPOLIS	

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

UNITED STATES GOVERNMENT

Memorandum

TO : SAC, MINNEAPOLIS

DATE: 3/25/74

FROM : SUPERVISOR [REDACTED]

b6
b7C

SUBJECT: RUSSELL CHARLES MEANS;
DENNIS JAMES BANKS
CIR - ETC.

WOUNDED KNEE LEADERSHIP TRIALS
ST. PAUL, MINNESOTA

On March 11, 1974, while in the judge's chambers, Judge FRED J. NICHOL informed representatives of the prosecution team and defense attorneys that he was going to visit the Minneapolis FBI Office on the next day, March 12, 1974.

Defense Attorney WILLIAM KUNTSLER remarked to the judge that "I bet you a quarter that you never see the inside of an informant file."

The judge said, "I'll take that bet," and both Judge NICHOL and KUNTSLER handed to the Judge's [REDACTED] a quarter to retain until after the Judge's visit.

KUNTSLER then remarked that the FBI has a couple of files that no one has seen, a Q file and a June file. The judge then asked the writer what the contents of these files were. He was informed at this time that the writer had no knowledge of these files.

[REDACTED] wkb
(1)



5010-108-02

[Handwritten signature]
1cc Sub P

70-6882-1053

SEARCHED	INDEXED
SERIALIZED	FILED
MAR 27 1974	
FBI-MINNEAPOLIS	

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

DIRECTOR, FBI (157-28813)

3/25/74

SAC, OMAHA (157-1476) (P+)

RUSSELL CHARLES MEANS
EM - AM
Minneapolis file 157-1460
Omaha file 157-1476

OO: MINNEAPOLIS

RUSSELL CHARLES MEANS
CIR - BURGLARY AND LARCENY;
ARL - IFO; AFO; CONSPIRACY;
UNLAWFUL POSSESSION OF FIREARMS
Minneapolis file 70-6882
Omaha file 176-89

OO: MINNEAPOLIS

ReOM let to Director, 1/25/74.

The following investigation was conducted by
SA ROBERT D. KINSEY:

[REDACTED]
[REDACTED] Nebraska, on 3/12/74, advised there is no change
in the prosecutive status in [REDACTED] pertaining
to MEANS.

However, [REDACTED] advised there is no chance
that MEANS' trial can be set for court prior to mid-June,
1974.

LEAD

OMAHA

[REDACTED] NEBRASKA

Will, on or about 6/15/74, contact [REDACTED]
to determine status at that time of local prosecution of MEANS.

2-Bureau
③ Minneapolis (157-1460)
(157-6882)

2-Omaha
(1- 176-89)

RDK:lst
(7)

70-6882-1054

SEARCHED	INDEXED
SERIALIZED	FILED
MAR 27 1974	
FBI-MINNEAPOLIS	

b6
b7c

F B I

Date: 3/26/74

Transmit the following in CODED
(Type in plaintext or code)Via TELETYPE URGENT
(Priority)TO: DIRECTOR, FBI
ATTENTION: [REDACTED]GENERAL
CRIMES UNIT, GENERAL INVESTIGATIVE
DIVISIONb6
b7c

FROM: SAC, MINNEAPOLIS (70-6864) (P)

RUSSELL CHARLES MEANS; DENNIS JAMES BANKS; CIR - BURGLARY, ETC.
WOUNDED KNEE LEADERSHIP TRIALS, ST. PAUL, MINNESOTA.

RE BUTEL, MARCH 25, 1974.

ON MARCH 11, 1974, JUDGE NICHOL, IN HIS CHAMBERS, INFORMED
THE REPRESENTATIVES OF THE USA'S OFFICE AND DEFENSE ATTORNEYS
THAT HE WAS PLANNING TO VISIT THE MINNEAPOLIS FBI OFFICE ON
MARCH 12, 1974.

DEFENSE ATTORNEY WILLIAM ^{KUNSTLER} ~~KUNTSLER~~ STATED TO THE JUDGE, *in effect,*
THAT, "I BET YOU A QUARTER THAT YOU NEVER SEE THE INSIDE OF AN
INFORMANT FILE." THE JUDGE RESPONDED BY SAYING, "I'LL TAKE
THAT BET," AND BOTH JUDGE NICHOL AND KUNSTLER HANDED TO THE
JUDGE'S [REDACTED] A QUARTER TO RETAIN UNTIL AFTER
THE JUDGE'S VISIT.

KUNTSLER THEN REMARKED THAT THE FBI HAS A COUPLE OF FILES
THAT NO ONE HAS SEEN, A Q FILE AND A JUNE FILE

3 - Minneapolis

(1 - 70-6882)

(1 - 70-6832-Sub P)

Approved: PFE:wkb

(3) Special Agent in Charge

Sent

M

Per

70-6882-1055

Searched 60
Serialized 60
Indexed 60
Filed 60

F B I

Date:

Transmit the following in _____
(Type in plaintext or code)

Via _____
(Priority)

MP 70-6964

PAGE TWO

DURING THE VISIT IN THE FBI OFFICE, JUDGE NICHOL MADE
NO INQUIRY CONCERNING THESE TWO FILES.

END,

Approved: _____
Special Agent in Charge

Sent _____ M Per _____

F B I

Date: 3/27/74

003

Transmit the following in CODED
(Type in plaintext or code)Via TELETYPE URGENT
(Priority)TO: DIRECTOR, FBI
ATTENTION: [REDACTED]**DEB**
GENERAL
CRIMES UNIT, GENERAL INVESTIGATIVE DIV.b6
b7c

FROM: SAC, MINNEAPOLIS (70-6882) (P)

RUSSELL CHARLES MEANS; DENNIS JAMES BANKS; CIR - BURGLARY, ETC.
WOUNDED KNEE LEADERSHIP TRIALS, ST. PAUL, MINNESOTA.

IN AN ARTICLE APPEARING IN THE MINNEAPOLIS TRIBUNE,
WEDNESDAY, MARCH 27, 1974, [REDACTED]

[REDACTED] IT IS REPORTED THAT USDJ FRED J. NICHOL ATTENDED A
MEETING OF THE ST. PAUL ROTARY CLUB ON MARCH 26, 1974, AT WHICH
WILLIAM KUNSTLER, DEFENSE ATTORNEY AT THE WOUNDED KNEE TRIAL
SPOKE.

KUNSTLER IS REPORTED TO HAVE STATED THAT ONLY FEDERAL
JUDGES CAN STOP GOVERNMENT OFFICIALS FROM VIOLATING THE LAW.
THE ARTICLE CONTINUED STATING HE SPECIFICALLY ADDRESSED HIS
REMARKS TO USDJ NICHOL WHO WAS IN THE AUDIENCE.

NICHOL WAS QUOTED AS SAYING HE AGREED "WITH A GREAT DEAL"
OF WHAT KUNSTLER

[REDACTED] Minneapolis
wkb

Approved: [REDACTED]

Special Agent

Sent

12:10 P

M

Per [REDACTED]

F B I

Date:

Transmit the following in _____
(Type in plaintext or code)Via _____
(Priority)

MP 70-6882

PAGE TWO

KUNSTLER RELATED A LONG LIST OF WATERGATE CRIMES AND NAMED THE HIGHLY PLACED NIXON ADMINISTRATION OFFICIALS ASSOCIATED WITH THEM. HE ALSO MENTIONED THE RECENTLY DISCLOSED FBI PLANS TO DESTROY THE EFFECTIVENESS OF DISSIDENT GROUPS. HE STATED THAT ALL AMERICANS PARTICIPATED IN PERMITTING THE DEVELOPMENT OF WATERGATE CRIMES AND THE FBI "DOCUMENT OF DEATH AND INTRIGUE AND DECEPTION." HIS LATTER COMMENT ALLUDED TO THE RECENTLY DISCLOSED MEMO CONCERNING THE DISRUPTIVE TACTICS RELATING TO DISSIDENT GROUPS.

HE COMPARED GOVERNMENT TACTICS TO NAZI GERMANY. HE STATED THIS ONCE GREAT COUNTRY HAS BEEN REDUCED TO A NATION OF CHEATS AND LIARS AND BURGLARS. HE SAID GOOD AMERICANS WILL BECOME JUST LIKE GOOD GERMANS WHO WATCHED THE SMOKE COMING FROM THE OVENS AND DID NOTHING.

JUDGE NICHOL WAS QUOTED IN AN INTERVIEW AFTER KUNSTLER'S SPEECH AS SAYING, "WE ARE IN TROUBLE IN THIS COUNTRY AND THE JUDICIARY, JUST AS HE (KUNSTLER) SAYS, MAY BE THE LAST BASTION OF FREEDOM." HE AGREES WITH A GREAT DEAL OF WHAT MR. KUNSTLER

Approved: _____

Special Agent in Charge

Sent _____ M Per _____

F B I

Date:

Transmit the following in _____
(Type in plaintext or code)Via _____
(Priority)

MP 70-3882

PAGE THREE

~~SAID. "KUNSTLER CERTAINLY HAD THIS CASE IN MIND" IN HIS SPEECH,~~
~~THE JUDGE SAID. THE JUDGE POINTED OUT THAT "NEITHER THAT~~
~~NOR THE JUDGE'S OPINIONS WILL IN ANYWAY AFFECT MY RULINGS~~
~~IN THIS COURT BECAUSE I AM GOVERNED BY LAW."~~

THE JUDGE ATTENDING THE KUNSTLER SPEECH WAS ALSO REPORTED
BY TELEVISION STATION KSTP WHICH HAD FILMS OF KUNSTLER
SPEAKING AND THE JUDGE LISTENING, APPARENTLY IN THE FRONT ROW.

~~DURING WEDNESDAY THE JUDGE HEARD TESTIMONY BY FBI AGENTS~~
~~CONCERNING ILLEGAL WIRETAP VIOLATIONS BY THE DEFENSE.~~

END.

Approved: _____

Special Agent in Charge

Sent _____ M Per _____

U.S. Government Printing Office: 1972 - 455-574

F B I

Date: MARCH 27, 1974

014

Transmit the following in CODED
(Type in plaintext or code)Via TELETYPE NITEL
(Priority)

TO: DIRECTOR, FBI
(ATTENTION: GENERAL CRIMES
UNIT, GENERAL INVESTIGATIVE DIVISION)

b6
b7c

FROM: SAC, MINNEAPOLIS (70-6882) (P)

RUSSELL CHARLES MEANS; DENNIS JAMES BANKS; CIR - BURGLARY,
ETC.

DURING COURT ON MARCH 27, 1974, UNITED STATES FEDERAL DISTRICT
JUDGE FRED J. NICHOL STATED THAT HE EXPECTS THE GOVERNMENT TO
CONCLUDE PRESENTING TESTIMONY BY FRIDAY, MARCH 29, 1974. JUDGE
NICHOL STATED THAT HE EXPECTS BOTH DEFENSE AND PROSECUTION TO
PRESENT WRITTEN BRIEFS ON MONDAY, APRIL 1, 1974, AND TO CONCLUDE
FINAL ARGUMENTS ON TUESDAY, APRIL 2, 1974.

JUDGE NICHOL STATED, HOWEVER, THAT HE FULLY EXPECTS TO
RECEIVE A DECISION FROM THE ATTORNEY GENERAL IN RELATION TO
HIS COURT ORDER DATED MARCH 21, 1974, IN WHICH HE ORDERED THE
GOVERNMENT TO PRODUCE ALL FILES RELATIVE TO WOUNDED KNEE, INCLUDING
BUT NOT LIMITED TO ALL INFORMANT FILES AND THE MINNEAPOLIS "JUNE"
FILE. JUDGE NICHOL STATED THAT IF HE DID NOT HAVE THE ATTORNEY

③ - Minneapolis
(1 - 70-6864)

70-6882-1057

(1 - 70-6832 - Sub P) *S*
sks (3)

Approved: *[Signature]*
Special Agent in Charge

Sent *8:04 P* M Per *[Signature]*

F B I

Date:

Transmit the following in _____
(Type in plaintext or code)Via _____
(Priority)

PAGE TWO

MP 70-6882

GENERAL'S DECISION BY APRIL 2, 1974, HE WOULD DISMISS THE
DENNIS JAMES BANKS AND RUSSELL CHARLES MEANS INDICTMENTS.

JUDGE NICHOL STATED THAT HE IS CONSIDERING THE POSSIBILITY
OF DISCUSSING THE "JUNE" FILE CONTENT IN CHAMBERS WITH MINNEAPOLIS
SAC RATHER THAN HAVING SAC TESTIFY IN OPEN COURT IN WIRETAP
HEARING.

IN VIEW OF ABOVE INFORMATION, MINNEAPOLIS REQUESTS DECISION
CONCERNING "JUNE" FILE BE EXPEDITED IF POSSIBLE.

END.

Approved: _____
Special Agent in Charge

Sent _____ M Per _____

F B I

Date: MARCH 27, 1974

012

Transmit the following in C O D E D
(Type in plaintext or code)Via TELETYPE NITEL
(Priority)

TO: DIRECTOR, FBI
FROM: SAC, MINNEAPOLIS (70-6882) (P)

RUSSELL CHARLES MEANS; DENNIS JAMES BANKS; CIR - BURGLARY,
ETC.

RE TELCALL FROM ASSISTANT TO THE DIRECTOR - DEPUTY ASSOCIATE
DIRECTOR JENKINS TO SAC, MINNEAPOLIS, THIS DATE.

IN ACCORDANCE WITH INSTRUCTIONS RECEIVED IN REFERENCED
TELCALL, SAC JOSEPH H. TRIMBACH WILL REPORT TO WASHINGTON, D.C.
TOMORROW FOR CONFERENCE WITH BUREAU OFFICIALS AND THE ATTORNEY
GENERAL.

DEPARTURE WILL BE FROM MINNEAPOLIS AT 12:30 A.M., MARCH
28, 1974, ON NORTHWEST FLIGHT 24 ARRIVING DETROIT 4:20 A.M.
DEPARTURE FROM DETROIT ON NORTHWEST FLIGHT 300 6:45 A.M.,
ARRIVING NATIONAL AIRPORT, WASHINGTON, D.C., 8:51 A.M.

IT IS NOTED THAT ASSISTANT DIRECTOR GEBHARDT INDICATED *in another*
tel call THAT HE WOULD MAKE ARRANGEMENTS FOR DRIVER TO MEET ~~him~~ *me* AT
AIRPORT.

END.

① - Minneapolis
[] sks

(1)

70-6882-1058

Approved: [Signature]
Special Agent in ChargeSent 8:07P M Per [Signature]

F B I

Date: MARCH 29, 1974

Transmit the following in CODED
(Type in plaintext or code)Via TELETYPE IMMEDIATE
(Priority)

#3

TO: DIRECTOR, FBI
ATTENTION: MR. E. S. MILLER

FROM: SAC, MINNEAPOLIS (70-6882)

SUBJECT: RUSSELL CHARLES MEANS
DENNIS JAMES BANKS
CIR - BURGLARY
ET ALWOUNDED KNEE LEADERSHIP TRIALS
ST. PAUL, MINNESOTA

IN OPEN COURT IN ST. PAUL THIS MORNING, U. S. DISTRICT COURT JUDGE FRED NICHOL STATED HE WANTED TO GET INTO THE RECORD THE PROCEDURE WHICH WAS WORKED OUT IN CHAMBERS CONCERNING THE FBI INFORMANT FILES.

THERE WERE OBJECTIONS AND THERE WERE TO SOME EXTENT POSSIBLE DISCREPANCIES ON MINOR POINTS AND THE FULL TRANSCRIPT WILL HAVE TO BE OBTAINED THIS AFTERNOON BEFORE EACH AND EVERY STEP OF THE PROCEDURE IS FULLY UNDERSTOOD. HOWEVER, SUPERVISOR [REDACTED] WHO WAS PRESENT IN THE COURTROOM SAID THAT IT IS AGREED BY THE JUDGE THAT AT THIS TIME IT IS NOT NECESSARY FOR THE PROSECUTORS TO HAVE AVAILABLE TO THEM THE NAMES OF INFORMANTS. IF DURING THE PROSECUTORS REVIEW OF THE INFORMANT FILES THEY FIND A PARTICULAR

b6
b7c

① - Minneapolis

[REDACTED] jrp (1)

Approved: _____
Special Agent in ChargeSent 200 P M Per 217

F B I

Date:

Transmit the following in _____
(Type in plaintext or code)Via _____
(Priority)

MP 70-6882

PAGE TWO

SITUATION WHEREIN THEY FEEL IT IS NECESSARY TO HAVE THE INFORMANT'S NAME FURNISHED TO THEM, THEN THEY ARE TO REQUEST THIS OF THE FBI.

THE FOUR POINTS WHICH THE PROSECUTORS ARE TO LOOK FOR WHEN REVIEWING THE INFORMANT FILES ARE AS FOLLOWS:

1. ANY EVIDENCE CONCERNING DEFENDANT-ATTORNEY CONFIDENTIAL RELATIONSHIP;
 2. ANY INFORMATION THAT WOULD APPROPRIATELY FALL UNDER THE DISCOVERY ORDER ISSUED BY THE COURT;
 3. ANY INFORMATION OF BENEFIT TO THE DEFENSE FOR IMPEACHMENT PRESUMABLY OF GOVERNMENT WITNESSES OR INFORMATION THAT IS EXCULPATORY IN NATURE;
 4. ANY REPORT CONCERNING ELECTRONIC OR TELEPHONE INTERCEPTION.
- IN IMPLEMENTING THIS PROCEDURE, MINNEAPOLIS IS CURRENTLY REVIEWING THE INFORMANT FILES. THAT PORTION OF SERIALS WHICH CONTAINS THE INFORMANT'S NAME OR WHICH COULD REASONABLY BE EXPECTED TO IDENTIFY THE INFORMANT IS BEING COVERED UP, A XEROX OF THE SERIAL IS BEING PREPARED AND THE XEROX COPY WITH THE EXCISED INFORMATION IS BEING PUT IN THE FILE WITH A NOTATION THAT THE

Approved: _____
Special Agent in Charge

Sent _____ M Per _____

F B I

Date:

Transmit the following in _____
(Type in plaintext or code)Via _____
(Priority)

MP 70-6882

PAGE THREE

EXCISED MATERIAL CONCERNING INFORMATION WHICH WOULD IDENTIFY THE
INFORMANT. THE REMOVED SERIAL IS BEING PLACED ASIDE AND WILL NOT
BE FURNISHED TO THE PROSECUTOR. *Hopefully, the prosecutor will be in
agreement with this procedure but we will have to try it tomorrow and see*
IT IS BELIEVED THAT IN A NUMBER OF COMMUNICATIONS, IT WILL *How*

~~THEREFORE~~ BE NECESSARY TO REMOVE CERTAIN SENTENCES IN ORDER TO *smoothly*
PROTECT THE IDENTITY OF THE INFORMANT. THIS PROCEDURE IS BEING *it*
CLOSELY SUPERVISED AND EVERY EFFORT IS BEING MADE TO ASSURE THAT *works.*
EVERYTHING SHORT OF THE INFORMANT'S IDENTITY IS FURNISHED TO THE
PROSECUTORS FOR THE REVIEW THIS WEEKEND.

THE TRANSCRIPT OF THE PROCEEDINGS WILL BE SENT TO THE BUREAU
BY TELETYPE AS SOON AS IT IS AVAILABLE.

END

Approved: _____
Special Agent in Charge

Sent _____ M Per _____

F B I

Date: APRIL 1, 1974

Transmit the following in C O D E D
(Type in plaintext or code)Via TELETYPE IMMEDIATE
(Priority)

TO: DIRECTOR, FBI
 FROM: SAC, MINNEAPOLIS (70-6864) (P)

DENNIS JAMES BANKS; RUSSELL CHARLES MEANS; CIR - BURGLARY, ETC.

RE TELCALL FROM SECTION CHIEF RICHARD BATES TO ASAC PHILIP
 F. ENLOW THIS DATE.

[REDACTED] IS IN CLOSE CONTACT WITH THIS OFFICE, SOMETIMES
 ON A DAILY BASIS. THE INTERVIEW OF MARCH 29, 1974, WAS A ROUTINE
 CONTACT BY THE AGENT WHEREIN THE INFORMATION THAT THE INFORMANT
 FELT WAS OF INTEREST TO THE FBI WAS FURNISHED. THE INFORMANT
 INITIATED THE MARCH 29, 1974, CONTACT. HE WAS DISTURBED BECAUSE
 OF THE PUBLICITY WHICH HAD BEEN GIVEN WHICH ALLUDED TO INFORMANTS'
 IDENTITIES BEING DISCLOSED. THE INFORMATION THAT WAS ^{FURNISHED TO} ~~ACCEPTED BY~~
 THE AGENT WAS NOT INFORMATION OF DEFENSE STRATEGY ^{AS FAR} THAT ~~WAS~~
~~AS THE INFORMANT WAS CONCERNED.~~
~~SOLICITED BY THE AGENT.~~

THE INFORMANT WAS CONTACTED PERSONALLY ON ^{THAT} THIS DATE AT
 HIS INSISTENCE BECAUSE HE IS ^{WAS} ~~VERY~~ MUCH CONCERNED THAT HIS IDENTITY
 MAY BE REVEALED KNOWING THAT HIS LIFE WOULD PROBABLY BE TAKEN
 IF HE IS IDENTIFIED. HE HAS CONSISTENTLY BEEN INFORMED THAT THE

② - Minneapolis
 (1) - 70-6882
 :sks

(2)

1-70-6882-Sub P

70-6882-1660

Approved: _____

Special Agent in Charge

Sent _____ M Per _____

U.S. Government Printing Office: 1972 - 455-574

b7D

b6
b7C

F B I

Date:

Transmit the following in _____
(Type in plaintext or code)Via _____
(Priority)

PAGE TWO

MP 70-6864

FBI NEITHER SOLICITS OR ^{ACCEPTS} ~~DESIRES ANY~~ INFORMATION PERTAINING TO DEFENSE STRATEGY. ~~KNOWING THIS, HE STATED~~ HE FELT THAT WE SHOULD HAVE THE INFORMATION WHICH HE GAVE ON MARCH 29, 1974, BECAUSE ~~HE FELT~~ IT IS RELATIVE TO THE SENSITIVE POSITION THAT HE IS PLACED AT THIS TIME. AS NOTED IN EARLIER MINNEAPOLIS TELETYPE,

STRATEGY. THE INFORMATION FURNISHED ABOUT THE TWO MARSHALS WAS PREVIOUSLY KNOWN TO ~~THIS OFFICE AND~~ THE PROSECUTORS AND HAS NEVER BEEN SUBSTANTIATED AND IN ^{INFORMANT'S} ~~THIS VIEW~~ WAS ALSO NOT LEGITIMATE DEFENSE STRATEGY. ^{BUT RATHER WAS AN ALLEGATION AGAINST THE GOV.} THE INFORMANT ALSO FELT THAT THIS WOULD BE ANOTHER INSTANCE WHERE THE FBI AND/OR FEDERAL GOVERNMENT COULD BE EMBARRASSED.

Approved: _____

Special Agent in Charge

Sent _____ M Per _____

F B I

Date:

Transmit the following in _____
(Type in plaintext or code)Via _____
(Priority)

PAGE THREE

MF 70-6864

THE REASON ~~WHY~~ THIS INFORMATION WAS FURNISHED TO THE PROSECUTORS WAS BECAUSE THEY TODAY ARE BEGINNING THEIR REVIEWING ^{WAS ALMOST COMPLETED} ~~OF THE~~ INFORMANT FILES WHICH REVIEW WILL PROBABLY BE CONCLUDED THIS EVENING AND IN FAIRNESS TO THE PROSECUTORS AND IN ORDER TO FULLY COMPLY WITH THE COURT ORDER, IT WAS NECESSARY THAT THEY HAVE THIS INFORMATION, PARTICULARLY THE STATEMENT BY THE INFORMANT THAT HE HAS DURING THE PAST SEVERAL MONTHS BEEN PRESENT WHEN

[REDACTED] IF

b7D

WE HAD NOT FURNISHED THIS INFORMATION IMMEDIATELY TO THE PROSECUTORS, WE WOULD HAVE FOUND OURSELVES IN THE POSITION OF WITHHOLDING FROM THEM INFORMATION WHICH THEY NEED IN ORDER TO DETERMINE WHETHER OR NOT THIS INDIVIDUAL IS ONE WHO IS COVERED UNDER THE COURT ORDER. FURTHERMORE, THIS IS INFORMATION WHICH HAD NOT YET BEEN PLACED IN THE INFORMANT'S FILE. THIS INFORMANT IS ONE OF THE NINE ^{WHICH} ~~THAT~~ HAD BEEN DISCUSSED WITH THE PROSECUTORS LAST WEEK AND AGAIN IN ORDER TO PERMIT THE PROSECUTORS TO MAKE AN INTELLIGENT APPRAISAL OF THIS INFORMANT'S POSITION, IT WAS ESSENTIAL THAT WE DISCLOSE THIS INFORMATION TO THEM AT THIS TIME.

Approved: _____

Special Agent in Charge

Sent _____ M Per _____

F B I

Date:

Transmit the following in _____
(Type in plaintext or code)Via _____
(Priority)

PAGE FOUR

MP 70-6864

SINCE APPROVAL HAD PREVIOUSLY BEEN GIVEN FOR THE PROSECUTOR TO REVIEW THE INFORMANT FILES ~~KWH~~ THERE SEEMED TO BE NO REASON WHY IT WOULD BE NECESSARY TO FIRST FURNISH THE CURRENT INFORMATION FROM THIS INFORMANT TO FBI HQ PRIOR TO FURNISHING IT TO THE PROSECUTORS.

CONCERNING THE POSSIBILITY THAT THE INFORMATION FURNISHED BY [REDACTED]

IT IS THE VIEW OF THE CONTACTING AGENT, WHO HAS BEEN IN FREQUENT CONTACT WITH THE SOURCE SINCE EARLY JANUARY, 1974, THAT THERE HAS BEEN NO REASON TO SUSPECT HIM IN THIS REGARD. THE CONTACTING AGENT IS EVER MINDEFUL OF THE FACT THAT SUCH A SITUATION COULD OCCUR. NO INFORMATION FURNISHED BY THE SOURCE HAS BEEN DETERMINED TO BE WILLFULLY INACCURATE. IN CONSIDERING THIS FURTHER, [REDACTED]

[REDACTED] IT IS DIFFICULT TO SEE HOW THE DATA HE HAS BEEN FURNISHING WOULD ADVERSELY AFFECT FBI OPERATIONS.

THERE IS ANOTHER ASPECT TO THIS, HOWEVER, AND ONE WHICH WE CANDIDLY DISCUSSED WITH THE PROSECUTORS. THIS IS THAT IF AT ANY TIME IN THE FUTURE, PERHAPS A YEAR FROM NOW, ^{OK Bridge next week,} THIS SOURCE SHOULD

Approved: _____

Special Agent in Charge

Sent _____ M Per _____

F B I

Date:

Transmit the following in _____
(Type in plaintext or code)Via _____
(Priority)

PAGE FIVE

MP 70-6864

FOR WHATEVER REASON DISCONTINUE HIS ASSOCIATION WITH US AND REVEAL HIS STATUS TO THE OTHER SIDE, IT COULD BE INTERPRETED BY DEFENSE COUNSEL AS A DELIBERATE FLOUNTING OF THE JUDGE'S MARCH 21, 1974, ORDER BY THE FBI FOR FAILURE TO DISCLOSE TO THE COURT THE STATUS OF THIS INDIVIDUAL. THAT IS WHY WE ARE COMPELLED TO GIVE THIS INFORMATION TO THE PROSECUTORS AT THIS TIME. WE CANNOT BE IN THE POSITION OF HAVING INFORMATION IN OUR POSSESSION WHICH THE PROSECUTORS NEED TO HAVE IN ORDER TO PROPERLY HANDLE THE MARCH 21, 1974, COURT ORDER. ONCE THE INFORMATION WAS RECEIVED BY THE AGENT, WE HAD THE OBLIGATION OF OBJECTIVELY AND PROMPTLY PASSING IT ON WHICH IS WHAT WE DID. IT IS THE VIEW OF THE CONTACTING AGENT IN MINNEAPOLIS THAT THIS [REDACTED] [REDACTED] SINCE HE HAS FURNISHED TO US A CONSIDERABLE AMOUNT OF SIGNIFICANT SENSITIVE INFORMATION IN THE PAST.

END.

Approved: _____
Special Agent in Charge

Sent _____ M Per _____

United States District Court

FOR THE

District of South Dakota, Western Division

UNITED STATES OF AMERICA

v.
Dennis Banks
Russell Means

To

JOSEPH H. TRIMBACH

No. CR73-5034
CR73-5035
CR73-5062
CR73-5063

You are hereby commanded to appear in the United States District Court for the

District of South Dakota at U. S. Court House in the city of
St. Paul, Minn. on the 18th day of March 1974 at 8:30 o'clock A. M.

to testify in the case of United States v. Banks and Means and bring with you Federal Bureau of Investigation Roadblock #1 telephone tap or intercept log and all other documents, memos, notes, transcripts, tape recordings, whether referred to by code names such as "Informant T-1" or any other code names which record the fact of or the contents of all or any part of any telephone conversations overheard or intercepted by agents or other employees of the Federal Bureau of Investigation or other employees of the United States Government or their agents, of conversations on the telephone located at the Wounded Knee trading post during the period of February 27, 1973 through May 8, 1973.

This subpoena is issued upon application of the Defendants.

March 14, 1974
Mark Pare

Attorney for Defendants

400 Minnesota Building, ST. Paul, Minn.
Address

WILLIAM J. SRSTKA

Clerk.

By JANET M. HANSEN

(SEAL OF COURT)

Deputy Clerk.

¹ Insert "United States," or "defendant" as the case may be.

RETURN

Received this subpoena at _____ on _____
and on _____ at _____
served it on the within named _____
by delivering a copy to _____ and tendering to _____ the fee for one day's attendance and the mile-
age allowed by law.²

Dated: _____

_____, 19 ____

Service Fees

Travel _____\$

Services _____

Total _____\$

² Fees and mileage need not be tendered to the witness upon service of a subpoena issued in behalf of the United States or an officer or agency thereof. 28 USC 1825, or on behalf of a defendant who is financially unable to pay such costs (Rule 17(b), Federal Rules Criminal Procedure).

FEDERAL BUREAU OF INVESTIGATION

1*

Date of transcription March 12, 1974

[redacted] South Dakota, was shown six photographs and was asked to pick out the photograph of the individual known to him as [redacted] viewed the six photographs and advised that he could not pick out [redacted] photograph since he had only seen the back of [redacted] head.

b6
b7C

The six photographs displayed to Mr. [redacted] were lettered A through F and were shown in alphabetic order. [redacted] photograph was designated by the letter D.

Interviewed on 3/11/74 at St. Paul, Minnesota File # MP 70-6832-Sub P

by SA [redacted] jrp Date dictated 3/11/74

FEDERAL BUREAU OF INVESTIGATION

(1)

Date of transcription 2/27/74

[redacted] Nebraska, was contacted at the Church of God, 2nd and Maple Streets, Gordon, Nebraska, and he made available to Special Agents [redacted] the following items:

b6
b7C

66 photos of Wounded Knee, South Dakota, taken by him or his wife.

122 photographic slides of Wounded Knee, South Dakota, taken shortly after the occupation of Wounded Knee, South Dakota ended on May 8, 1973, taken by him or his wife.

Interviewed on 2/14/74 at [redacted] Nebraska File # MP 70-6832-Sub P

by SA [redacted] jss Date dictated 2/21/74

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 3/25/74-1-

Mr. WYMAN BABBY, Area Director, Bureau of Indian Affairs (BIA), furnished the following information:

During early March, 1973, he was at Pine Ridge, South Dakota. He does not specifically recall, but may have attended a conference in which STANLEY LYMAN, CHARLES BELCHER, RALPH ABILARD and RAMON ROUIDEAUX were present. He recalls that the telephone between Pine Ridge and Wounded Knee had been knocked out of service. There were numerous discussions that it should be reinstalled and ultimately it was ordered reinstalled and the justification for its reinstallation was for the purpose of emergency contact with those people who were held at Wounded Knee. He has no recollection and is sure that he did not give any assurance to anyone that it was a private line. He was not aware of any tap on this line. He did not know that the line had an outlet at Roadblock One, and, therefore, did not inform any member of the American Indian Movement (AIM) in this regard. He did not know that it was a party line; however, he assumed that in that locality that it probably was a party line.

Interviewed on 3/25/74 at Aberdeen, South Dakota File # MP 70-6864

by SA BRYAN J. MOGEN:dib Date dictated 3/25/74

FEDERAL BUREAU OF INVESTIGATION

Date of transcription March 25, 1974

On March 14, 1974, Special Agent [redacted] returned five U. S. Marshal magnetic cassette recording tapes to Assistant United States Attorney RICHARD D. HURD, District of South Dakota. The tapes returned to Mr. HURD were those received by SA [redacted] from Mr. HURD on March 8, 1974. The tapes are identified by the following dates:

b6
b7C

1. March 18-23, 1973
2. March 23, 1973
3. March 26, 1973
4. March 27, 1973
5. March 29, 1973

Interviewed on 3/14/74 at St. Paul, Minnesota File # MP 70-6832-Sub P

by SA [redacted] jrp Date dictated 3/19/74

70-6832-1065

FEDERAL BUREAU OF INVESTIGATION

Date of transcription, March 25, 1974

On March 11, 1974, one copy of side one of the U. S. Marshal Wounded Knee cassette magnetic recording tape dated March 23, 1973, was made. Side one of the tape is identified as: "Begin 3/23/73 13:30 (cont. on reverse)."

On March 12, 1974, one copy of each of the following U. S. Marshal Wounded Knee cassette magnetic recording tapes was made:

1. Side two of the tape dated March 23, 1973, and identified as: "Cont. of 3/23/73."
2. Sides one and two of the tape dated March 18, 1973, through March 23, 1973. Side one is identified as: "Continuation of 3/18/73 to 3/23/73 (only few minutes)." Side two is identified as: "Begin 3/18/73 - 3/23/73 (cont. on reverse)."

On March 13, 1974, one copy of each of the following U. S. Marshal Wounded Knee cassette magnetic recording tapes was made:

1. Sides one and two of the tape dated March 26, 1973. Side one is identified as: "Wounded Knee - March 26, 1973, Grimm Hit." Side two is identified as: "Wounded Knee - March 26, 1973, Grimm Hit."
2. Side one of the tape dated March 29, 1973, and identified as: "Wounded Knee - March 29, 1973, this side only."
3. Side one of the tape dated March 27, 1973, and identified as: "Wounded Knee - March 27, 1973, this side only."

The above recordings were made at the St. Paul Office of the FBI by Special Agent [redacted] utilizing two Sony model TC-110A cassette tape recorders.

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b7c

Interviewed on 3/11-12-13/74 at St. Paul, Minnesota File # MP 70-6832-Sub P

by SA [redacted] jrp Date dictated 3/19/74

FEDERAL BUREAU OF INVESTIGATION

Date of transcription March 20, 1974

On March 8, 1974, Assistant United States Attorney RICHARD D. HURD, District of South Dakota, hand delivered five U. S. ~~Marshal magnetic cassette~~ recording tapes to Special Agent [redacted] Mr. HURD requested that one copy of each tape be made for him and that the originals and copies be returned to him. The tapes are identified by the following dates:

b6
b7C

1. March 18-23, 1973
2. March 23, 1973
3. March 26, 1973
4. March 27, 1973
5. March 29, 1973

Upon receipt of the above tapes, SA [redacted] initialed and dated each tape.

Interviewed on 3/8/74 at St. Paul, Minnesota File # MP 70-6832-Sub P

by SA [redacted] jrp Date dictated 3/14/74

70 6832 1067

FEDERAL BUREAU OF INVESTIGATION

February 11, 1974

Date of transcription _____

[redacted] South Dakota Division of
Motor Vehicles, Pierre, South Dakota, provided a certified
copy of South Dakota Vehicle Title Z58471, for a 1970 Dodge,
Vehicle Identification Number DALLCD109144, registered to
CLIVE A. GILDERSLEEVE, Wounded Knee, South Dakota.

b6
b7C

Interviewed on 2/1/74 at Pierre, South Dakota File # MP 70-6882-1068

by SA [redacted] web Date dictated 2/7/74

FEDERAL BUREAU OF INVESTIGATION

Date of transcription March 21, 1974

On March 11, 1974, Special Agent [redacted] had four copies of MP 70-6832-Sub D 1A (54), a map of Wounded Knee indicating individual residences, and Sub F 1A (1), a map of Wounded Knee obtained from [redacted] commercially reproduced by Rogers Company, 2323 Wayzata Boulevard, Minneapolis, Minnesota.

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b7C

One copy was placed in FBI files the other three copies were hand delivered to SA [redacted] on March 11, 1974, at St. Paul, Minnesota. Of these, one copy was designated for Assistant United States Attorney RICHARD D. HURD and two copies for the Wounded Knee Legal Defense Offense Committee.

Interviewed on 3/11/74 at Minneapolis, Minnesota File # MP 70-6832
by SA [redacted] jr Date dictated 3/15/74

1069

1

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 3/22/74

HAROLD O. BULLIS, U.S. Attorney, Fargo, North Dakota, advised as follows:

He cannot recall that the installation of a telephone into Wounded Knee, South Dakota, was among the demands of the Indians who occupied Wounded Knee. He recalls that Government negotiators were communicating with the Indians in Wounded Knee, but he cannot recall that it was by telephone. The only way he recalls they communicated was by personnel of Community Relations Service of the Department of Justice bringing messages out of Wounded Knee to the Government negotiators. Personnel of Community Relations Service had access to Wounded Knee.

BULLIS has no knowledge of any wiretap or telephone listening device.

BULLIS has nothing in writing pertaining to his function at Wounded Knee.

Interviewed on 3/22/74 at Fargo, North Dakota File # MP 70-6864

by SA [redacted] jt Date dictated 3/22/74

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1070

FEDERAL BUREAU OF INVESTIGATION

Date of transcription March 20, 1974

On March 8, 1974, Assistant United States Attorney RICHARD D. HURD, District of South Dakota, hand delivered five magnetic cassette recording tapes to SA [redacted] in the St. Paul Office of the FBI. Mr. HURD advised that the tapes were recordings of U. S. Marshal communications at Wounded Knee, South Dakota. Mr. HURD requested that one copy of each tape be made and that the originals and copies be returned to him.

b6
b7C

The tapes are identified by the following dates:

1. March 18-23, 1973
2. March 23, 1973
3. March 26, 1973
4. March 27, 1973
5. March 29, 1973

Interviewed on 3/8/74 at St. Paul, Minnesota File # MP 70-6832-Sub P

by SA [redacted] jrp Date dictated 3/14/74

F B I

Date: 3/23/74

Transmit the following in _____
(Type in plaintext or code)

Via FACSIMILE _____

(Priority)

TO: SAC, SPRINGFIELD

FROM: SAC, MINNEAPOLIS (70-6882, 68-64, 68-32 Sub P) (Swan)
RUSSELL CHARLES MEANS, DENNIS JAMES BANKS, CIR - BURGLARY,
ETC, WOUNDED KNEE.

RE MINNEAPOLIS TELEPHONE CALL TO SPRINGFIELD, MARCH 23, 1974.

DURING THE COURSE OF A DISCOVERY INVENTORY WITH DEFENSE COUNCIL ON MARCH 23, 1973, A XEROX COPY OF THE ATTACHED HANDWRITTEN DOCUMENT WAS LOCATED IN 70-6832 SUB H. SUB H OF THE MAIN WOUNDED KNEE CASE CONTAINED DAILY SUMMARY TELETYPES FROM MINNEAPOLIS TO DIRECTOR, FBI. THE ONLY IDENTIFYING MARKS ON THIS DOCUMENT WERE THE HANDPRINTED NOTATIONS 70-6832 SUB H - 61 AND THE INITIALS GS.

A SEARCH OF THE MAIN WOUNDED KNEE FILE REFERRED TO A MEMO TO SAC RICHARD G. HELD FROM SA [REDACTED] WHICH WAS DATED MAY 5, 1973, AND REFERRED TO NEGOTIATIONS MEETING WHICH SA [REDACTED] ATTENDED WITH CHIEF GOVERNMENT NEGOTIATOR KENT FRIZZEL. A COPY OF THIS MEMO IS ALSO ATTACHED.

b6
b7c

pms

(1)

Searched _____
Serialized _____
Indexed _____
Filed _____

70-6882-1072

Approved: _____

Special Agent in Charge

Sent

6:20 P

M

Per

ACW

F B I

Date:

Transmit the following in _____
(Type in plaintext or code)Via _____
(Priority)

MP 70-6882

PAGE TWO

INASMUCH AS THE DOCUMENT FROM D.J. BANKS, NATIONAL FIELD DIRECTOR TO RAMON ROBEDEAUX MAKES REFERENCE TO "THE AGREEMENT WHICH HAS BEEN ARRIVED AT" AND "WE LOST TWO BROTHERS", IT IS BELIEVED BY MINNEAPOLIS THAT THIS DOCUMENT MUST HAVE BEEN WRITTEN AFTER THE DATE OF MAY 5, 1973.

IT IS REQUESTED THAT SA BE CONTACTED IN AN EFFORT TO DETERMINE HIS KNOWLEDGE AND RECOLLECTION OF THIS DOCUMENT, WHERE IT CAME FROM, WHO GAVE IT TO HIM, AND AT WHAT POINT IN TIME IT CAME INTO THE POSSESSION OF THE BUREAU.

IT SHOULD BE NOTED BY RECEIVING OFFICE THAT THIS INFORMATION IS NEEDED ON AN EXPEDITIOUS BASIS INASMUCH AS UNITED STATES FEDERAL DISTRICT JUDGE FRED J. NICHOL WHO IS PRESIDING OVER THE WOUNDED KNEE TRIAL OF BANKS AND MEANS HAS BEEN EXTREMELY LIBERAL IN HIS INTERPRETATION OF DISCLOSURE AND IF THE ORIGINAL OF THIS DOCUMENT CANNOT BE LOCATED OR AN EXPLANATION ON HOW THIS COPY CAME INTO THE BUREAU'S POSSESSION, JUDGE NICHOL MAY FIND THIS AS BASIS FOR DISMISSAL.

b6
b7c

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

F B I

Date:

Transmit the following in _____
(Type in plaintext or code)Via _____
(Priority)

MP 70-6882

PAGE THREE

SA IS TO BE CONTACTED IMMEDIATELY REGARDING
THIS MATTER AND A TELETYPE RESPONSE FORWARDED TO MINNEAPOLIS
BY 8:00 AM, MARCH 25, 1974.

b6
b7cApproved: _____
Special Agent in Charge

Sent _____ M Per _____

WOUNDED KNEE

TO RAMON ROBIDEAUX CHIEF COUNSEL
FROM D.J. BANKS NATIONAL FIELD DIRECTOR

SUBJECT: AGREEMENT TO END THE
WOUNDED KNEE CONFRONTATION

RAMON: I HAVE REVIEWED THE
AGREEMENT WHICH HAS BEEN
ARRIVED AT, AND FIND THAT THE
DOCUMENT ~~WHICH~~ FALLS OUTSIDE
~~CONSTITUTIONAL~~ THE PROTECTION OF
THE U.S. CONSTITUTION AND ITS AMEND-
MENTS. I WILL HOWEVER SUBMIT
TO THE ARMS LAYDOWN BECAUSE
THE CHIEFS & HEADSMAN HAVE

19-11-1961

b6
b7C

Memorandum

TO : SAC RICHARD G. HELD (70-6832)

FROM : SA [REDACTED]

SUBJECT: WOUNDED KNEE

b6
b7C

At 11:15 p.m. on instant date, Chief Negotiator KENT FRIZZEL and [REDACTED] provided the writer with a copy of the attached agreement which was signed by the Wounded Knee insurgents on instant date. The agreement will be implemented at 7:00 p.m. on Wednesday, May 9, 1973, at which time the Government will remove all of its armored personnel carriers from the Wounded Knee perimeter and simultaneously will evacuate all bunkers, road blocks, and other fortifications. An assembly will be called the same date in Wounded Knee and all weapons, ammunition, and explosives will be turned over to CRS personnel by occupants of Wounded Knee. CRS will transport all weapons to the old teepee site for examination by Government officials. After CRS has turned over all weapons to the Government, CRS will monitor processing and the occupants of Wounded Knee will divide themselves into three groups:

- (a) Those with outstanding arrest warrants against them;
- (b) Resident occupants of Wounded Knee who have resided there prior to February 26, 1973;
- (c) All others.

The occupants of each of these groups will identify themselves on an agreement form filled out in advance. These forms will be delivered by CRS at 5:00 p.m., Sunday, May 6, 1973.

The occupant group with the outstanding warrants against them will proceed first to the old teepee site for processing. Special arrest arrangements will be made by the United States Marshal and the FBI regarding the key individuals in this matter who are DENNIS BANKS, CARTER CAMP, and LEONARD CROW DOG. These arrangements are tentatively scheduled to be made on May 6, 1973, with FRIZZEL, HELLSTROM, and COLBURN.

[REDACTED] sms
(1)



70-6832-2999

SEARCHED	INDEXED
SERIAL	FILED
MAY 5 1973	
FBI-MINNEAPO	

[REDACTED]

70-8832

SES

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In a letter to RAMON ROUBIDEAUX, DENNIS BANKS instructed him to prepare bail money to be available for the processing of DENNIS BANKS, CARTER CAMP, and LEONARD CROW DOG on May 9, 1973, in preparation for their arraignment in Rapid City, South Dakota. BANKS advised that he and CARTER CAMP plan to leave the South Dakota area quickly as legally and feasibly possible and CROW DOG will return to the Rosebud Reservation.

Date prepared

Date received

3/11/74

Received from (name or symbol number)

Received by SA

b6
b7C
b7D

Method of delivery (check appropriate blocks)

☒ in person ☐ by telephone ☐ by mail ☒ orally ☐ recording device ☐ written by Informant

If orally furnished and reduced to writing by Agent:
Date

Date of Report

Dictated

Transcribed

Authenticated
by Informant

Date(s) of activity

current

Brief description of activity or material

File where original is located if not attached

* INDIVIDUALS DESIGNATED BY AN ASTERISK (*) ONLY ATTENDED A MEETING AND DID NOT ACTIVELY PARTICIPATE.
VIOLENCE OR REVOLUTIONARY ACTIVITIES WERE NOT DISCUSSED.

☐ Information recorded on a card index by _____ on date _____

Remarks:

2 [redacted]
1-52-3481 (WASHRIP)
1-12-0- (NARCOTICS CONTROL)
1-87-0-
1-92-0-
1-157-0-
1-157-3361 [redacted]
1-87-22154 (INDIAN ORIGINAL BURGLARY) [redacted]
1-157-3693 (SLA)
1-157-1423 [redacted]
1-157-2194 [redacted]
1-157-3471 [redacted]
1- (NATIONAL COALITION)
1-100-15654 (VVAW)
1-100-15411 (PCPJ)
1-157-3444 (BROWN BERETS)
1-100-1652 [redacted]
1-157- [redacted]
1-157-2894
1-157-1459
1-157-722 [redacted]

Block Stamp

70-682-1073
SEARCHED INDEXED
SERIAL FILED
APR 11 1974
FBI - NEW YORK

42 (42)

(copy count continued)

1-70-6864 [REDACTED]
1-157-846 [REDACTED]
1-70-6882 (RUSSELL MEANS)
1-157-1460 (RUSSELL MEANS)
1-70-8047 [REDACTED]
1-157-2864 [REDACTED]
1-157-1887 [REDACTED]
1-157-1560 [REDACTED]
1-157-3481 (FOREIGN INFLUENCE AND TRAVEL)
1-157-1458 (AIM ORGANIZATION)
1-157-1458 Sub A (AIM FINANCING) [REDACTED]
1-157-1517 [REDACTED]
1-157-1772 [REDACTED]
1-157-3590 [REDACTED]
1-157-1926 (WKLD0C)
1-157-1458 (AIM ST PAUL, MINN)
1-157-3367 (AIM PORCUPINE, SD) [REDACTED]
1-157-1469 (AIM RAPID CITY, SD) [REDACTED]
1-157-1776 (AIM CALICO-ICRO)
1-157-3709 (AIM BURGLARIES) [REDACTED]

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THIS SOURCE REPORT IS BROKEN DOWN INTO THE
FOLLOWING CATEGORIES;

SECTION I WASHRIP AND [REDACTED]

SECTION II NARCOTICS INFORMATION RELATING TO AIM

SECTION III BURGLARY OF INDIAN ORIGINAL JEWELRY STORE

SECTION IV 87-0 and 92-0 MATTERS AND INTELLIGENCE

SECTION V [REDACTED]

SECTION VI WEAPONS

SECTION VII SLA

SECTION VIII AIM SECURITY

SECTION IX AIM ORGANIZATION, WKLDOC, FOREIGN INFLUENCE,
AIM FINANCING, NATIONAL LEADERS, LOCAL CHAPTERS
AND LEADERS, AND OTHER RELATED AIM INFORMATION.

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DUE TO THE EXTREME SENSITIVITY OF SOURCE, IT IS MANDATORY
THAT APPROPRIATE PARAPHRASING AND UTMOST DISCRETION BE UTILIZED
IN DESSEMINATING AND UTILIZING THE INFORMATION CONTAINED HEREIN.

page 4

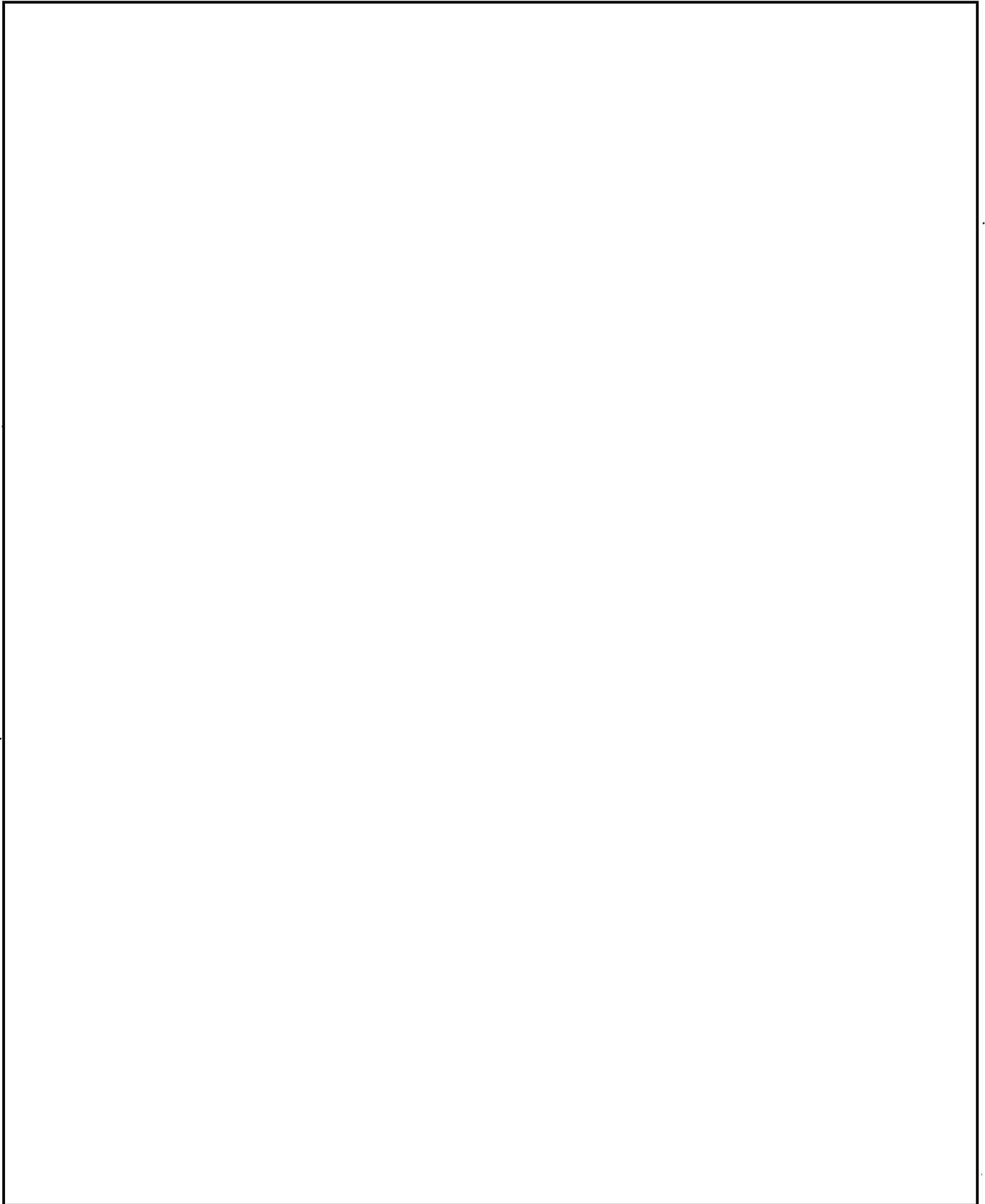
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67-

157-

NARCOTICS INFORMATION RELATING TO AIM
12-0-



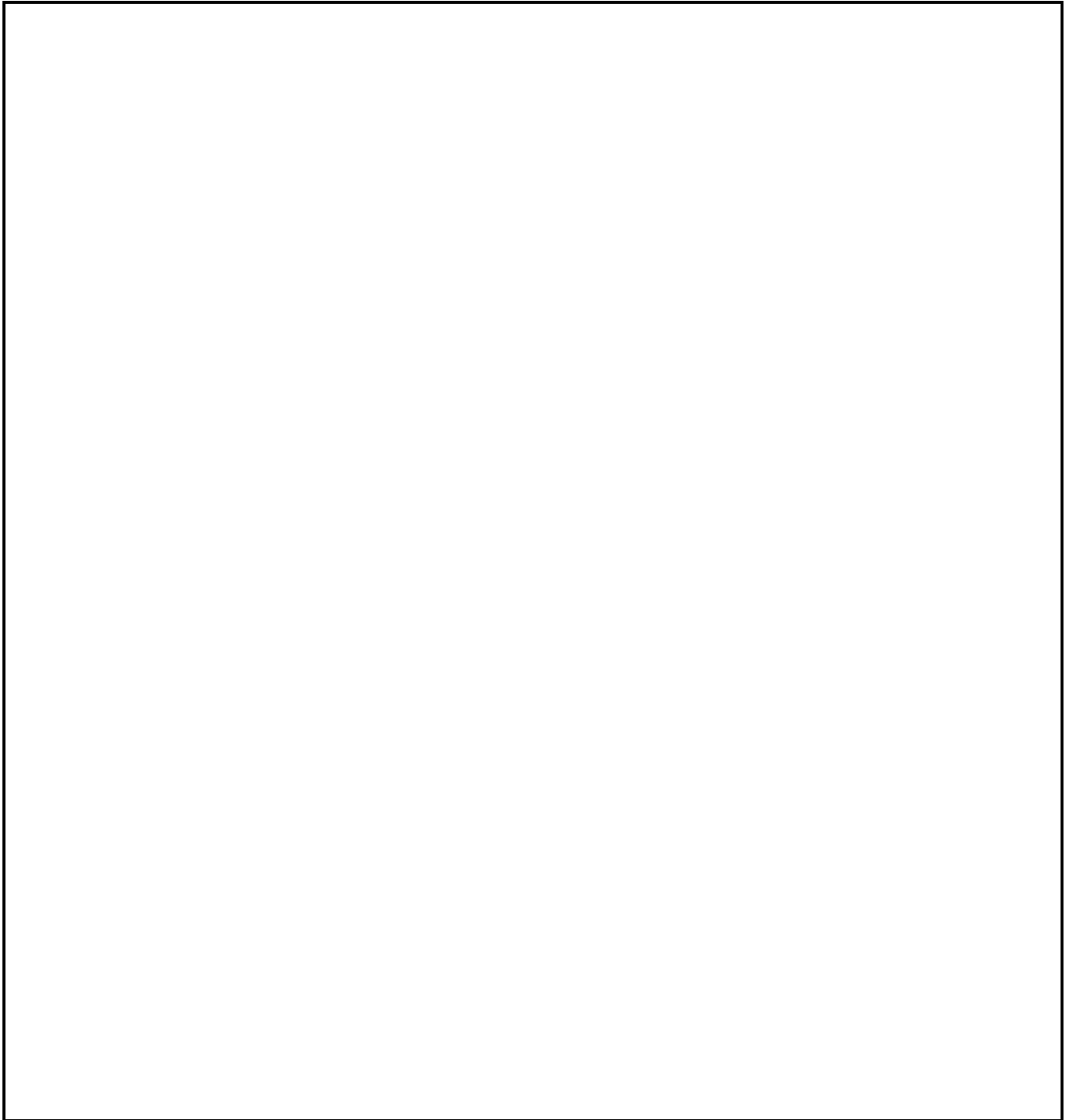
b7D

BURGLARY OF INDIAN JEWELRY FROM INDIAN ORIGINAL
STORE, RAPID CITY, SD 2/11/74=2/12/74 ITSP 00:MP
82-22154

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87-0, 92-0, and 157-0 MATTERS AND INTELLIGENCE



[Redacted]

(157- 3361)

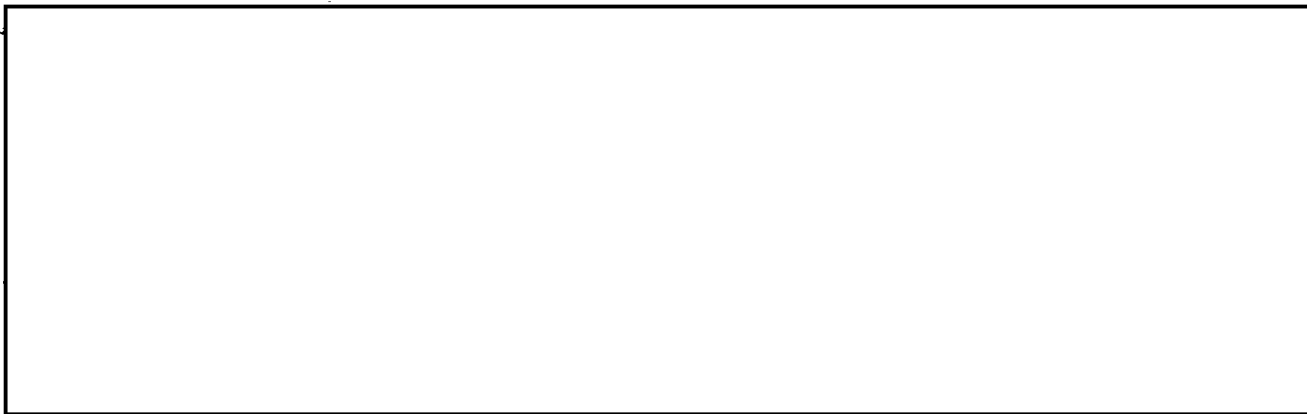
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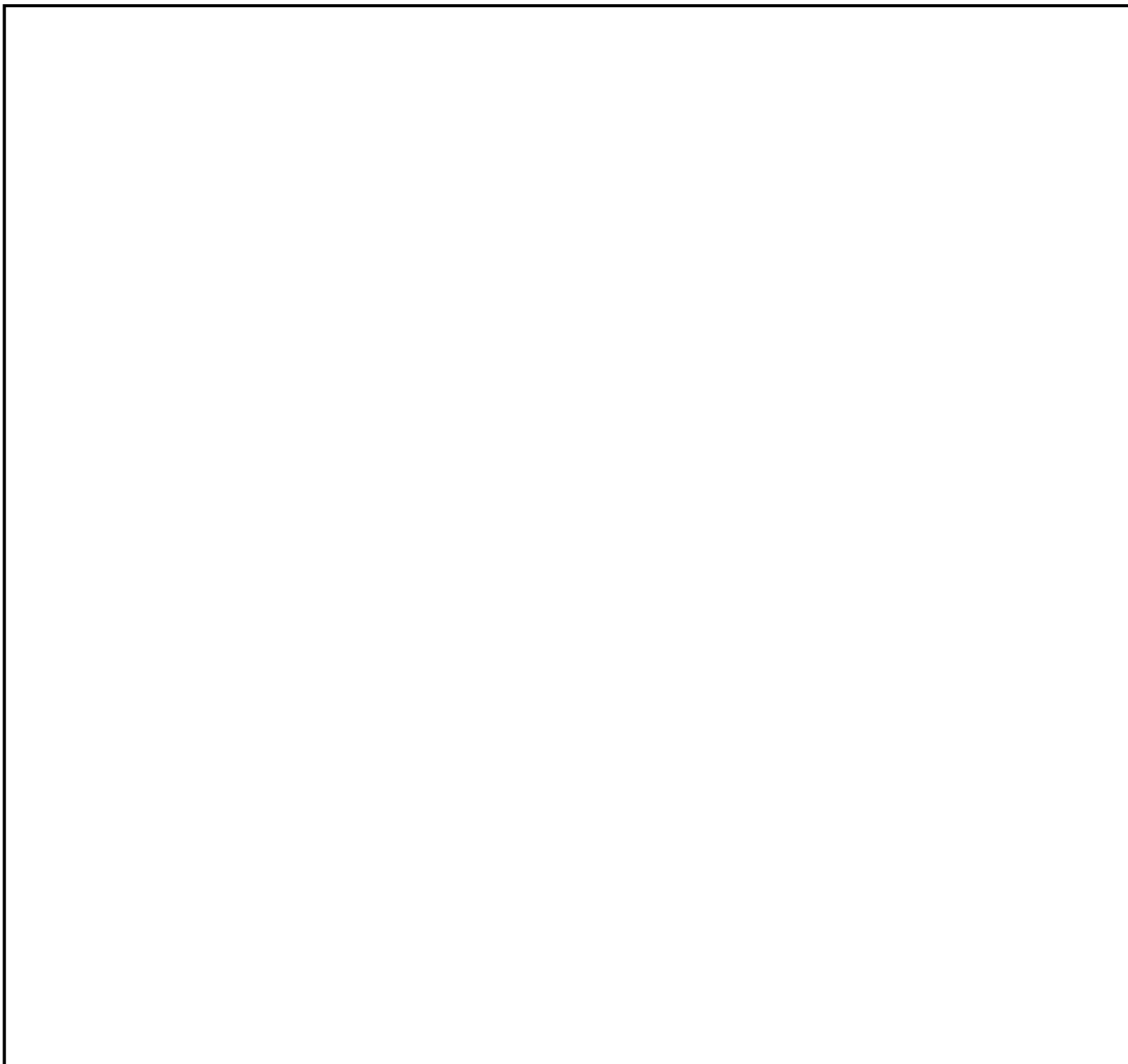
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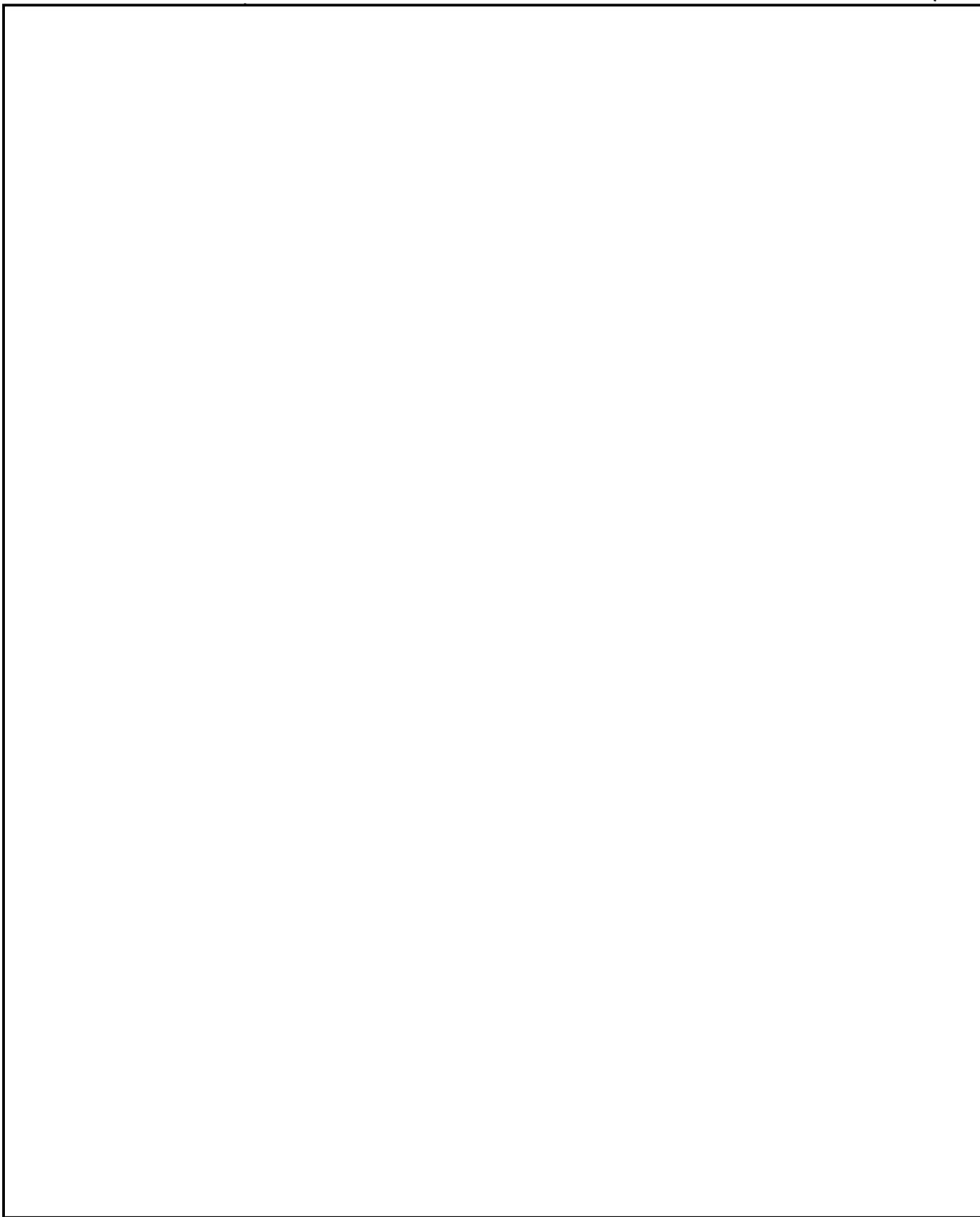
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SYMBIONESE LIBERATION ARMY (SLA)
157 -3693

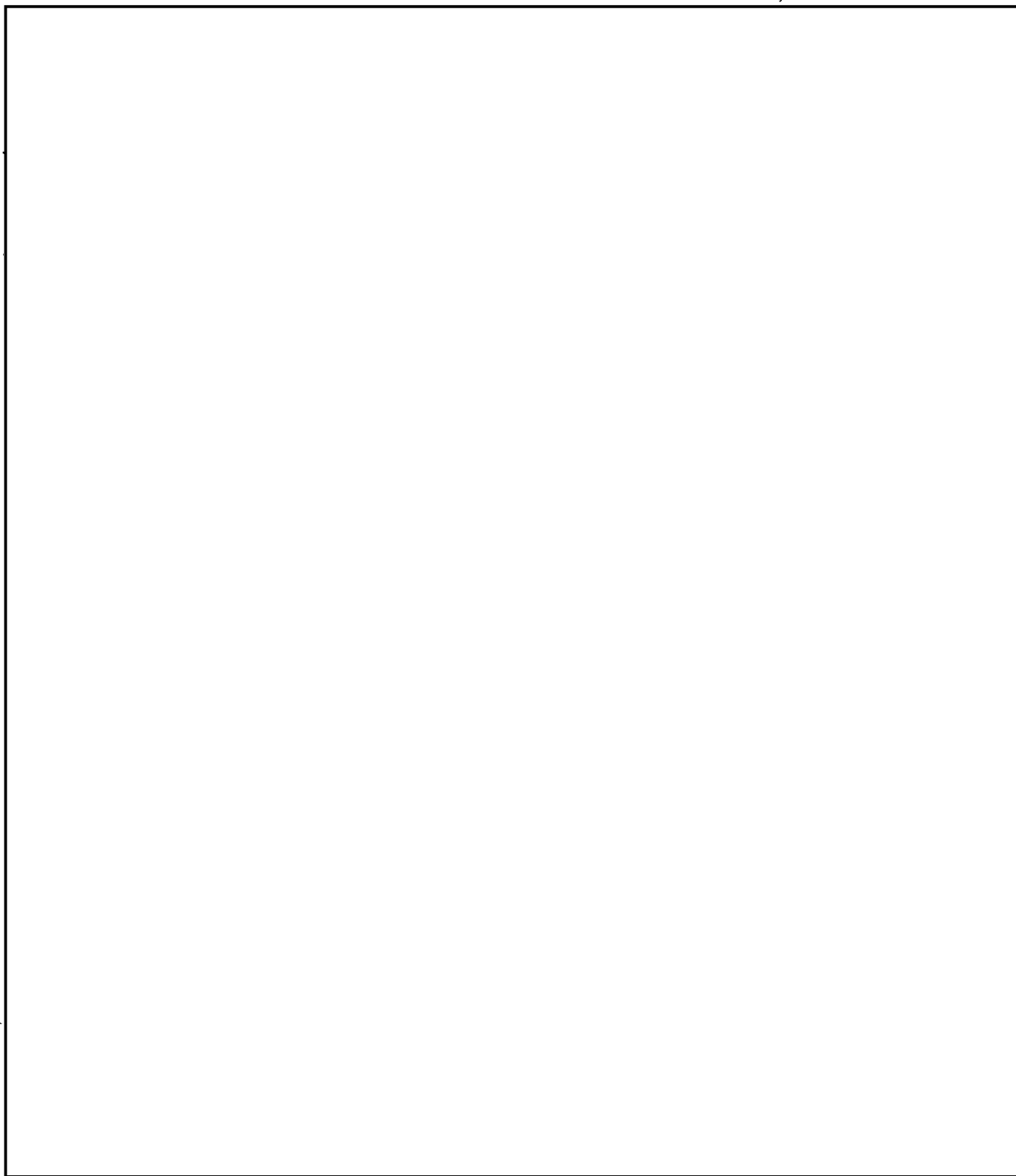


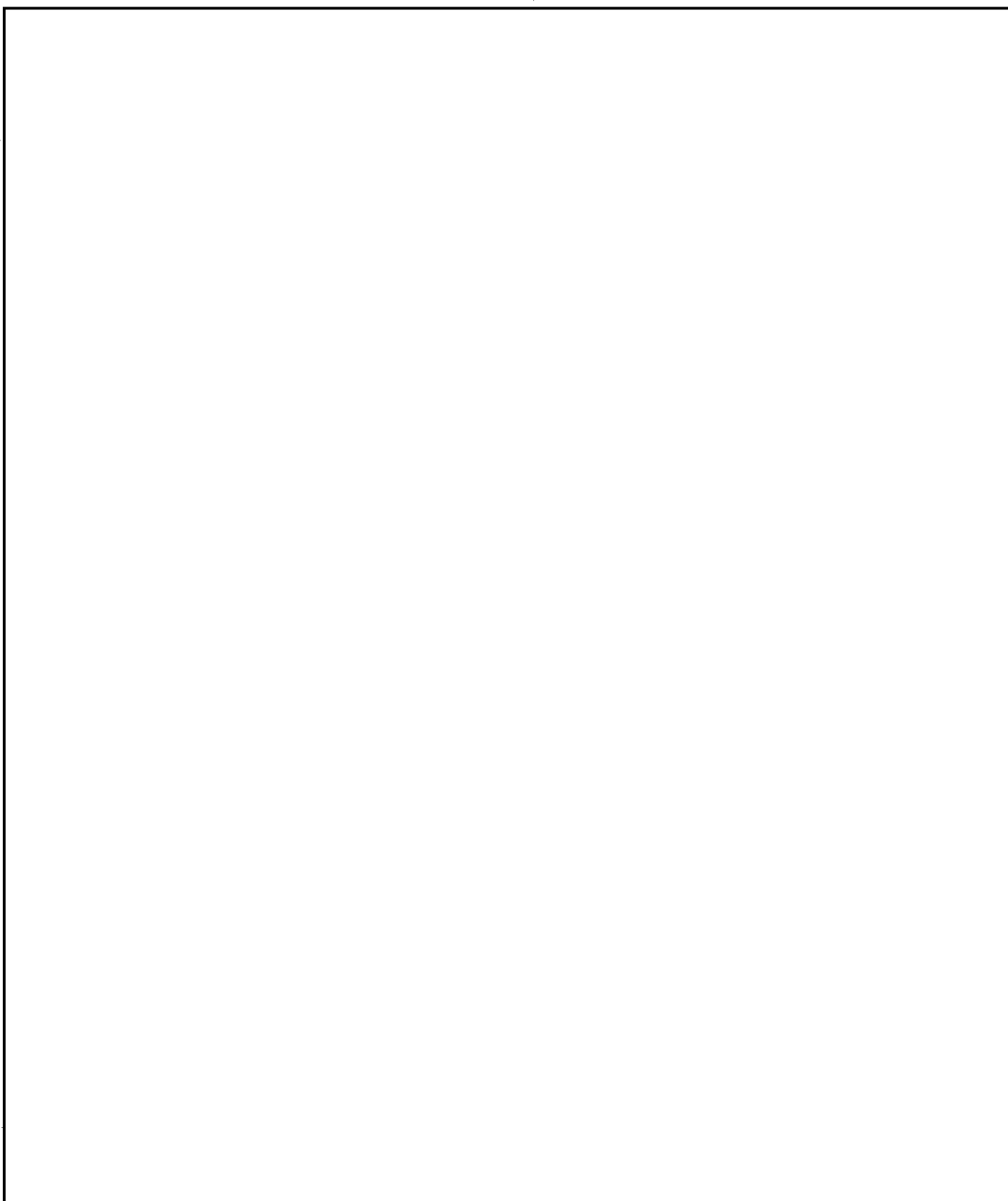
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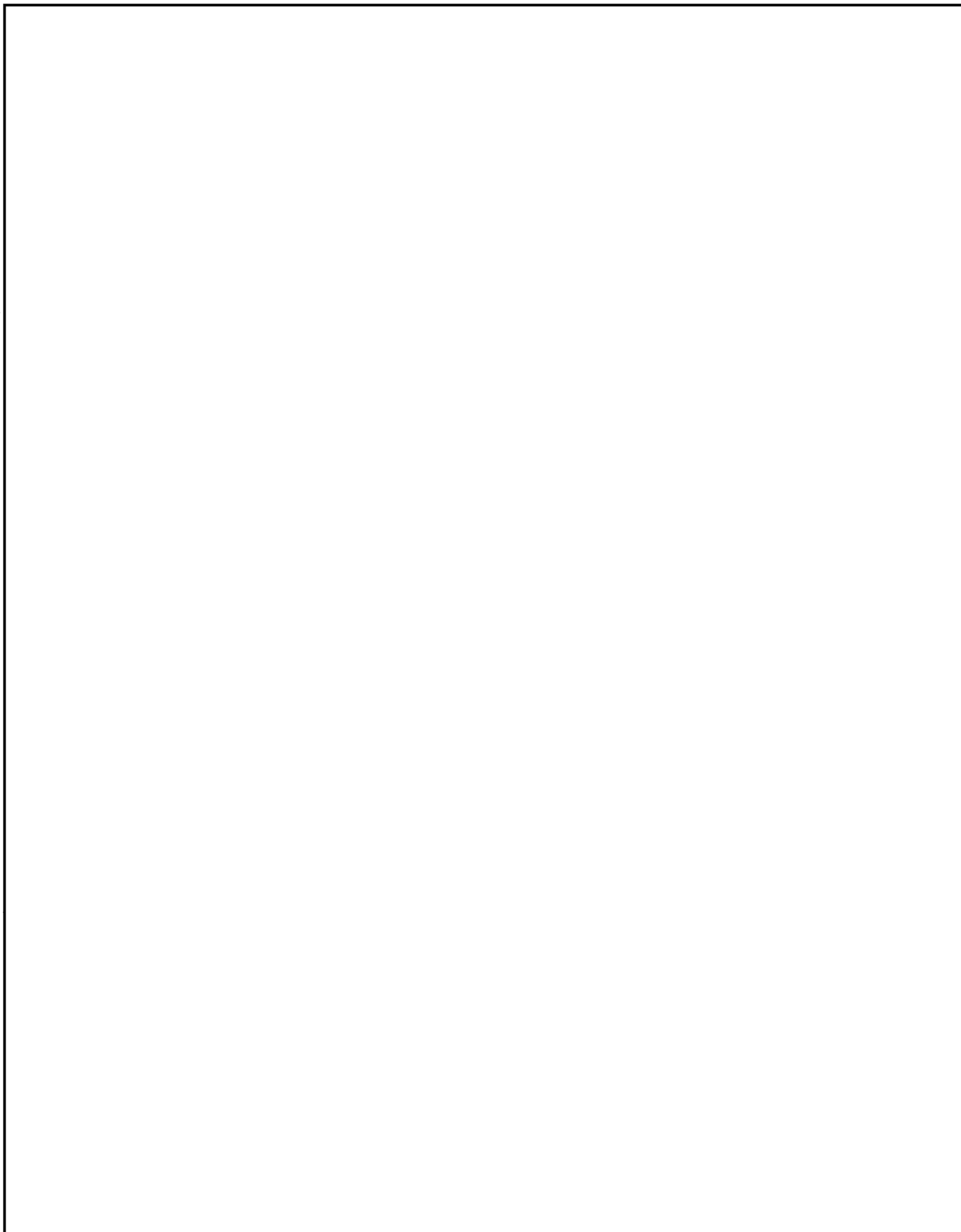


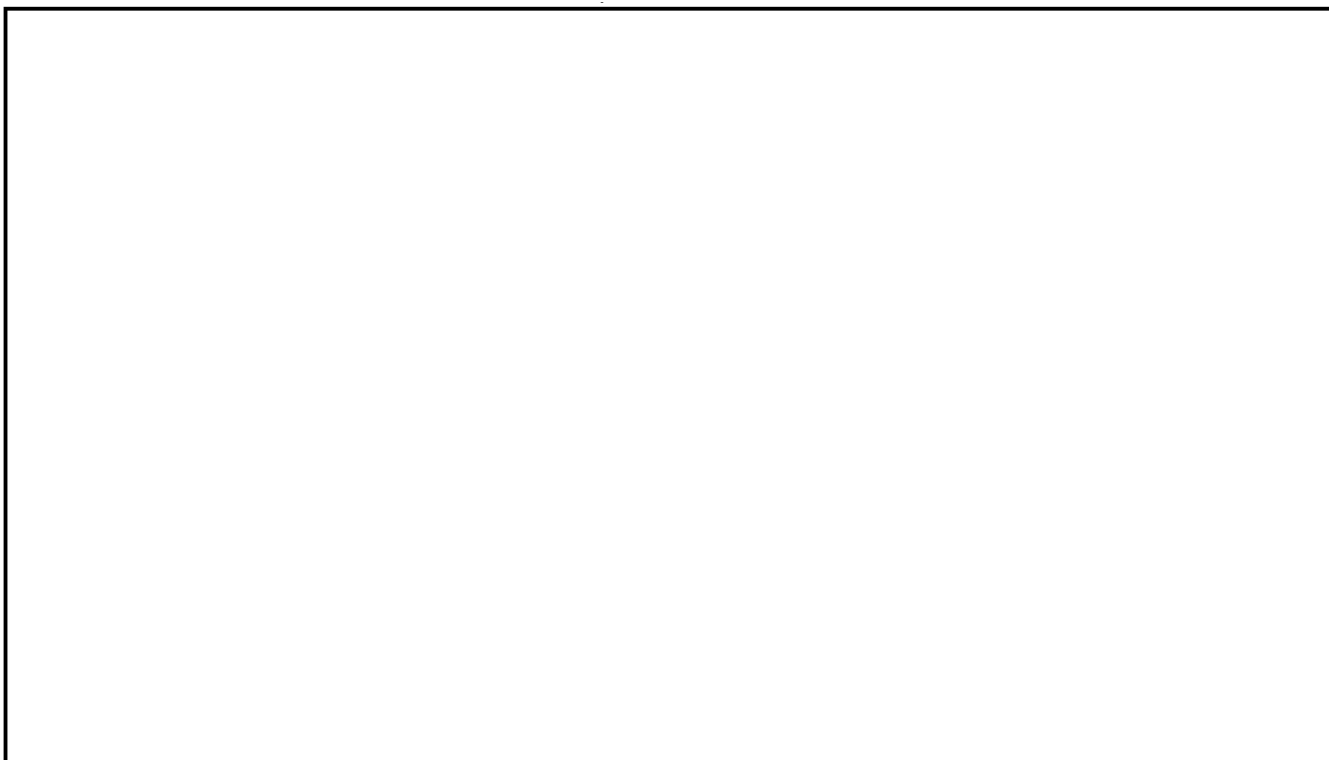












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Date prepared

Date received

3/15/74

number)

Received by

SA

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Method of delivery (check appropriate blocks)

☒ in person ☐ by telephone ☐ by mail ☒ orally ☐ recording device ☐ written by Informant

If orally furnished and reduced to writing by Agent:

Date of Report

Dictated

Transcribed

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by Informant

Date(s) of activity

Brief description of activity or material

File where original is located if not attached

* INDIVIDUALS DESIGNATED BY AN ASTERISK (*) ONLY ATTENDED A MEETING AND DID NOT ACTIVELY PARTICIPATE.
VIOLENCE OR REVOLUTIONARY ACTIVITIES WERE NOT DISCUSSED.

☐ Information recorded on a card index by _____ on date _____.

Remarks:

2- [redacted]
1-70- [redacted]
1-157-NEW [redacted]
1-157-1458 (AIM ORGANIZATION)
1-157-1458 Sub A (AIM FINANCING) [redacted]
1-157-3481 (FOREIGN INFLUENCE) [redacted]
1-157-1469 (AIM RAPID CITY, SD) [redacted]
1-157- [redacted]
1-157-BROWN BERETS (157-3444)
1-157-1969 (RED HAND WARRIOR SOCIETY)
1-157-2007 [redacted]
1-157-0- [redacted]
1-157-3349 [redacted]
1-157-1460 (RUSSELL MEANS)
1-70-6882 (RUSSELL MEANS)
1-157-3637 [redacted]
1-157-3664 (CULTURAL LEARNING CENTER) [redacted]
1-157- [redacted]
157-3367 (AIM, PORCUPINE, SD) [redacted]

Block Stamp

2882-1074

SEARCHED	INDEXED
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MAR 1974	
FBI - [redacted]	

(Copy count continued)

1-157-
1-157-
1-157-NEW



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(23)

DUE TO THE SENSITIVITY OF SOURCE, DISCRETION AND
PARAPHRIZING SHOULD BE UTILIZED IN DISSEMINATING THIS INFO.

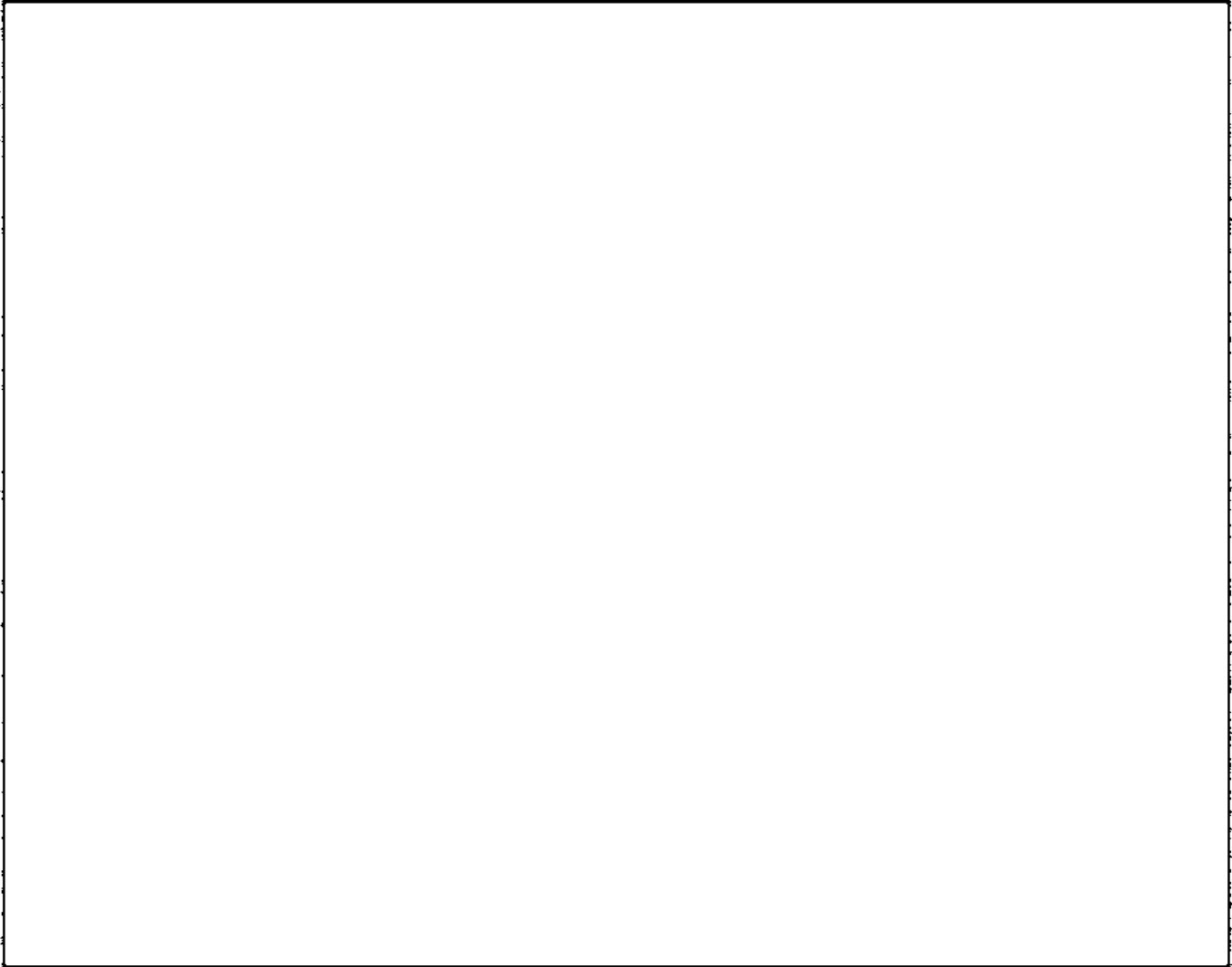
CULTURAL LEARNING CENTER 157-3664

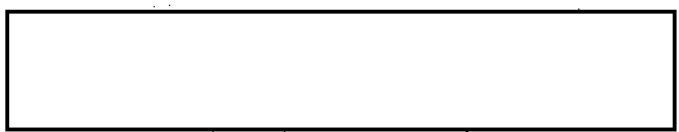


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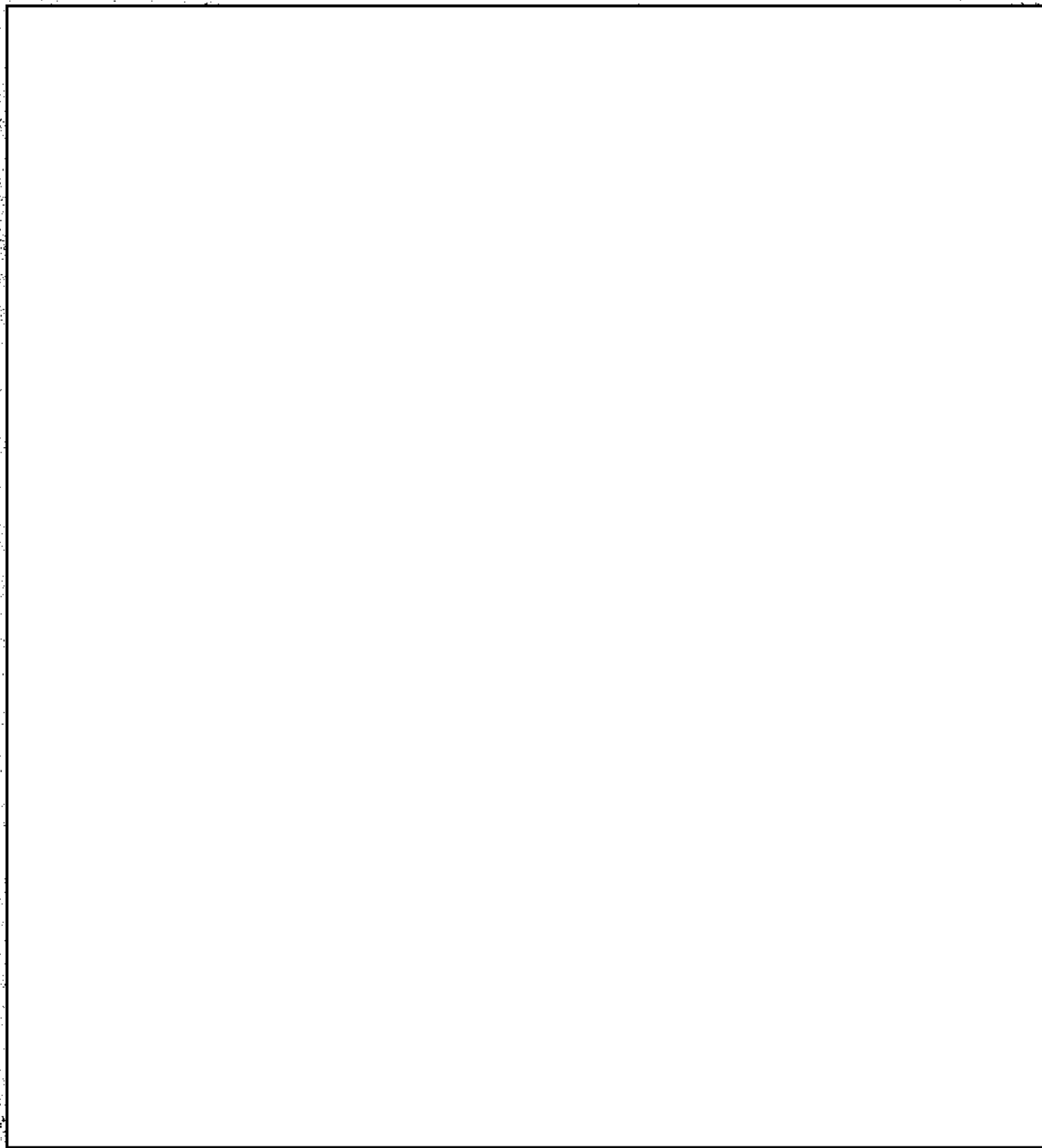


AIM. PORCUPINE. SD 157-3367





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70-
157-NEW

b7D

AIM ORGAINIZATION 157-1458
AIM FINANCING 157-1458 Sub A
157-3481 FOREIGN INFLUENCE

Date processed

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Date received
3/5-3/6-74

File number

Received
SA

Method of delivery (check appropriate blocks)

☒ in person ☐ by telephone ☐ by mail ☒ orally ☐ recording device ☐ written by Informant

If orally furnished and reduced to writing by Agent:

Date of Report

Dictated

Transcribed

Authenticated
by Informant

Date(s) of activity

current

Brief description of activity or material

File where original is located if not attached

* INDIVIDUALS DESIGNATED BY AN ASTERISK (*) ONLY ATTENDED A MEETING AND DID NOT ACTIVELY PARTICIPATE. VIOLENCE OR REVOLUTIONARY ACTIVITIES WERE NOT DISCUSSED.

☐ Information recorded on a card index by _____ on date _____

Re

()
2- [redacted]
2-157-NEW [redacted]
1-70-3481 [redacted]
1-62- (Info not disseminated at present time)
1-62-0-
1-157-0-
1-70-7844 (SACRED HEART CATHOLIC CHURCH) [redacted]
1-87-22154 (INDIAN ORIGINAL BURGLARY) [redacted]
1-100-17042 [redacted]
1-157-1697 [redacted]
1-157- 3192 [redacted]
1-157-1969 (RED HAND WARRIOR SOCIETY)
1-157- 3444 (BROWN BERETS)
1-157-2894 [redacted]
1-157-2862 [redacted]
1-157-2007 [redacted]
1-157-1737 [redacted]
1-157-1939 (CRAZY HORSE POWER MOVEMENT)
1-157-3572 [redacted]

Block Stamp

70-6882-1075
SEARCHED
SERIALIZED

see pg. 6

(copy count continued)

1-157-3481 (FOREIGN INFLUENCE AND TRAVEL)

1-157-1458 Sub A (AIM FINANCING)

1-157-846 [REDACTED]

1-70-6864 [REDACTED]

1-157-1458 (AIM ORGANIZATION)

1-157-1469 (AIM RAPID CITY, SD.) [REDACTED]

1-157-3367 (AIM, PORCUPINE, SD.) [REDACTED]

1-157-1776 (AIM CALICO-ICRO)

1-157-1772 [REDACTED]

1-157-3349 [REDACTED]

1-157-1723 [REDACTED]

1-157-2864 [REDACTED]

1-70-8047 [REDACTED]

1-157-1460 (RUSSELL MEANS)

1-70-6882 (RUSSELL MEANS)

1-157-1708 [REDACTED]

1-157-3316 [REDACTED]

2-157-NEW [REDACTED]

2-157-NEW [REDACTED]

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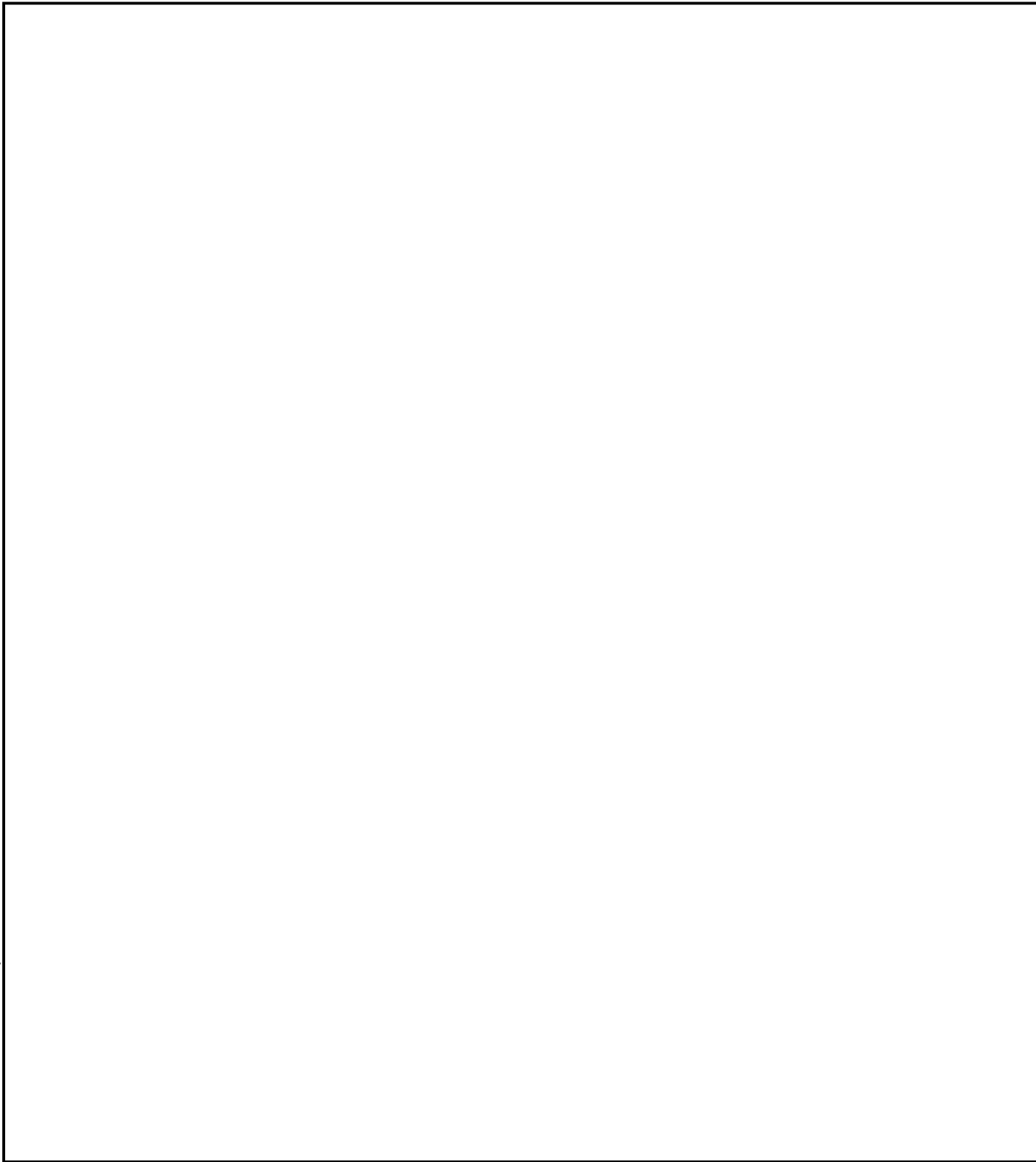
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62-
1975-76 SOUTH DAKOTA CENTENNIAL

71-7844
SACRED HEART CATHOLIC CHURCH, WOUNDED KNEE, SD

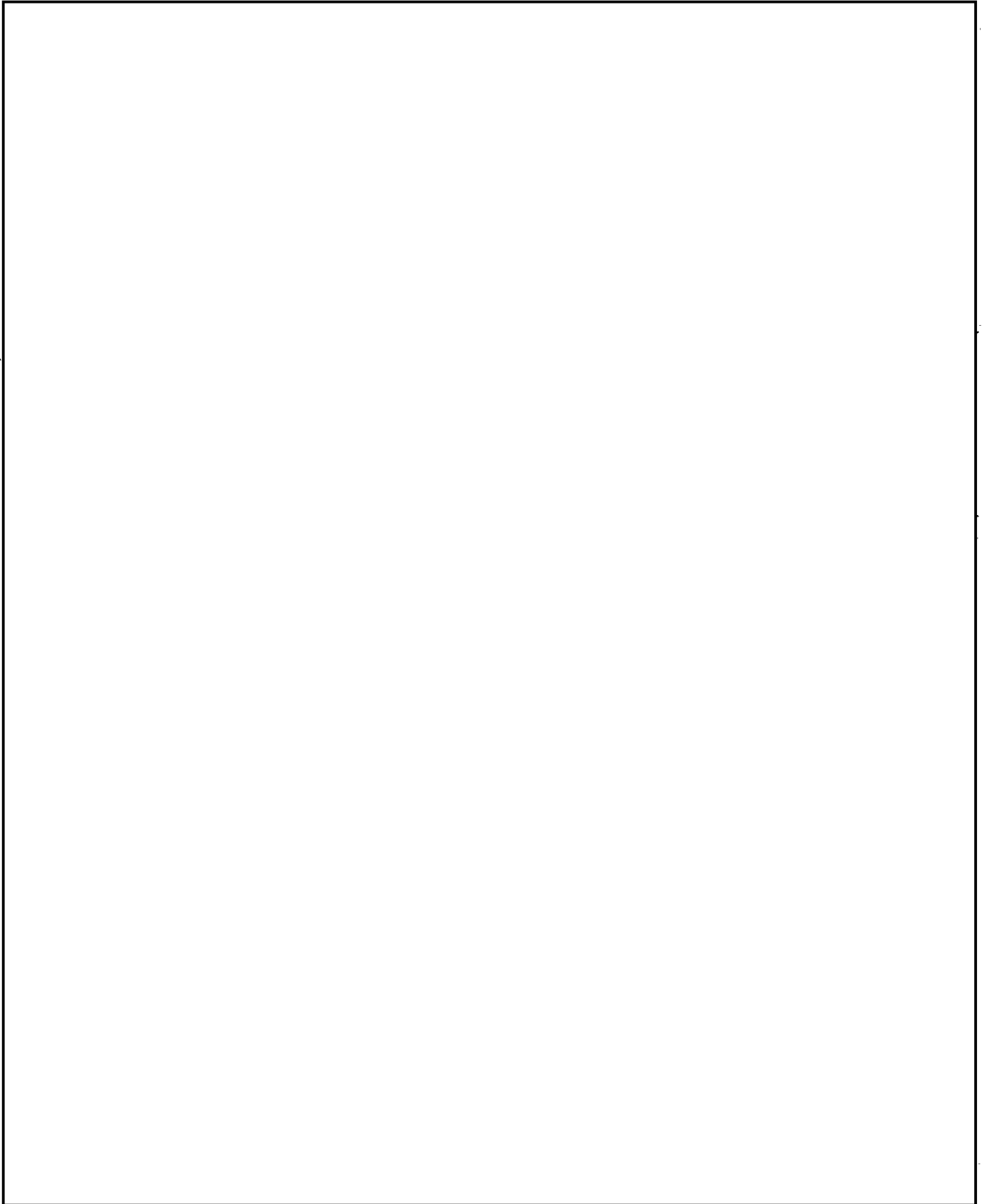
INDIAN ORIGINAL BURGLARY, RAPID CITY, SD
87-22154

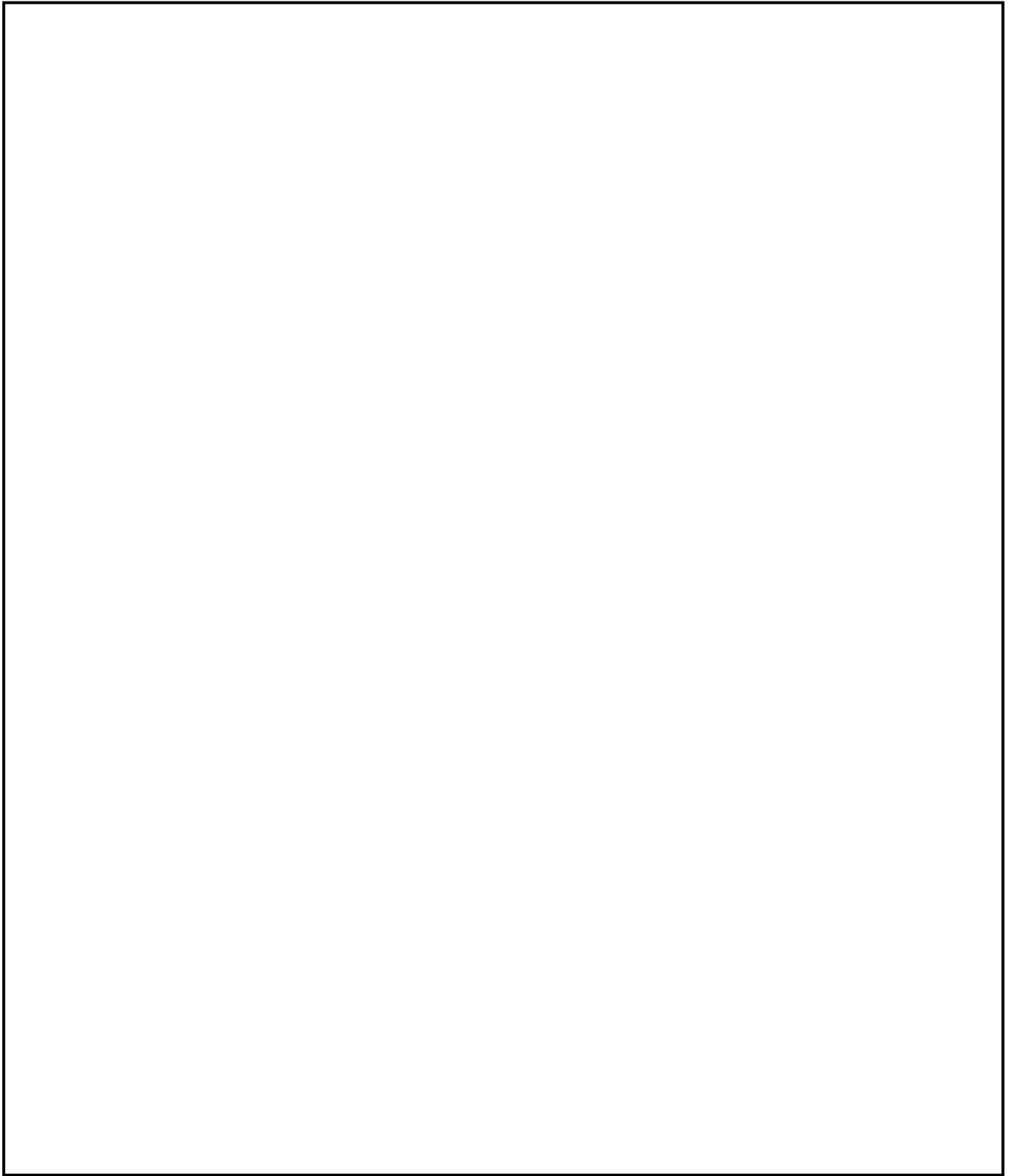
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SAC, MINNEAPOLIS (70-6882) (P)

March 15, 1974

ES [REDACTED]

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RUSSELL CHARLES MEANS;
DENNIS JAMES BANKS;
CIR - BURGLARY

WOUNDED KNEE LEADERSHIP TRIALS
ST. PAUL, MINNESOTA

On March 15, 1974, [REDACTED]
[REDACTED] FBI Headquarters, advised that the following points were in our favor in regard to the hearing to be conducted on Monday, March 18, 1974, in St. Paul, Minnesota, in regard to illegal wiretap by use of telephone located on roadblock 1.

1. The defendants illegally possessed the the telephone in the Wounded Knee Trading Post and, therefore, have no right to expect privacy.
2. When this telephone was put back in service, it was billed to the United States Government.
3. It was a nine party telephone and party line telephones should not guarantee a user the expectation of privacy.
4. Telephone on roadblock 1 was an extention, party line type telephone and in no way a tap device.
5. No tape recordings were made which also strengthens position that this was not a tap.
6. It was general knowledge that this telephone existed and that it was in open view on numerous occasions.

Their primary citation for their position above is KATZ versus the United States, a supreme court decision.

5 - Minneapolis
[REDACTED] mjf
(5)

70-6882-1036

SEARCHED	INDEXED
SERIALIZED	FILED
MAR 15 1974	
FBI - MINNEAPOLIS	

[REDACTED]